

TESTIMONY OF C.D. MOTE, JR.
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SUBMITTED TO THE SENATE FOREIGN RELATIONS COMMITTEE
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Chairman Lugar and Members of the Committee:

My name is Dan Mote, and I am president of the University of Maryland, College Park. I appreciate very much the opportunity to address the Senate Foreign Relations Committee today on a matter of grave concern, the impact of visa regulations on the educational and research enterprise of the nation. I am speaking to you today as president of a preeminent research university in the shadow of the nation's capital that has for years attracted a flow of outstanding students, researchers, and faculty from other nations who have made enormous contributions to the prosperity and technological leadership of the United States.

We all agree that protecting our citizens is a priority second to none. Universities have a clear investment in the security of our nation and are committed without reservation to serving this interest. The University of Maryland is eager to assist in any way possible in promoting the security of our region and our country. To that end, we fully support recommendations that require careful scrutiny of those entering the United States for whatever purpose. We also have a clear and historical responsibility to deliver the highest quality education and research programs to keep the nation strong and competitive. We do not believe these are mutually exclusive mandates.

The United States prides itself on attracting to our research universities the world's brightest students. Their presence in programs in engineering, biosciences, and computer and natural sciences, among other fields, has resulted in the United States achieving its current status as world leader in these areas. The consequences of undue restrictions that hinder our ability to recruit outstanding talent from other nations will degrade the technical strength of the U.S. substantially. America stands to lose the edge in brain power we have attained since World War II.

Immediate negative impact. At the University of Maryland, over the last two years, we have experienced a 36% drop in applications and a 21% drop in enrollment of new international graduate students in our programs. The decrease in applications is due to three converging factors: greatly increased problems with getting visa approval from the United States; competition from countries all over the world who have jumped in to try to attract the most talented students to their universities; and efforts of home countries to step into this breach and keep graduates at home with better opportunities and policies intended to stop the brain drain (military service is required in Taiwan before Taiwanese get permission to study abroad). The \$100 Student and Exchange Visitor Information System (SEVIS) fee we now must charge has doubled the cost for international students applying to Maryland. This additional financial burden likely prevents some of the brightest students in poorer countries from applying.

The decrease in international applications is being experienced at all major universities. It is likely to continue. Analysts of the Educational Testing Service (ETS) data declare the

“bubble has burst on foreign student enrollments.” The number of international students registering in 2004 for the Graduate Record Exam GRE (required for admittance to most graduate programs in the United States) is predicted to drop by 50% for Chinese students, 43% for Taiwanese, and 37% for Indians. Reforms in the administration of the test in China and elsewhere accounts perhaps for some of that decrease, but the drop in registration occurs in all countries, a clear indication that students are turning away from American schools.

Protracted Processing Difficulties and the Visas Mantis System

An example: In the late winter of 2002, five very bright undergraduates from Tsinghua University, generally considered to be the best science and technology university in China, applied to Ph.D. programs in Computer Science and Engineering at Maryland. Based upon their excellent academic credentials, the University admitted the five to graduate programs commencing in August 2003. They went to the American consulate in Beijing in mid-April, 2003 for a visa and were told that they would have to undergo a security check, which would take 90 days to complete. Our potential students still had not heard the results of their request by the time classes began in August 2004, and they have made other plans and are lost to the U.S.

Once the pipeline closes, it dries up completely. Those five students from China will tell others coming along not to bother applying here, the United States does not want foreign students. The students we intentionally keep out or scare away today could well be the world’s leading scientists, engineers, and doctors of tomorrow who might have chosen in past years to make the United States their home, to our lasting benefit. Finally, we would lose an entire cohort of students whose education in America could produce future friends and allies in the spread of democracy.

Impact on Training Programs that Promote American know-how and values. The University of Maryland, like many others, has a series of technical training programs on topics designed to provide information to a rising managerial cadre in countries like China on how capitalism, business, commerce, democracies, political justice systems, and other infrastructure systems work in free countries. Our Institute for Global Chinese Affairs has held numerous training sessions for hundreds of rising managers across China. This week, I received a memo from the Director of the Jiangsu Provincial Senior Management Training Centre concerning the latest group (six have come since 1995) scheduled to come for the senior management economic training course. He pleaded with me to intercede to hasten unexpected and delaying visa processing suddenly requested by the consulate general in Shanghai. What is the cost to the United States to put barriers up on programs that give us the opportunity to win friends and export democratic values?

Recommendation for Rating of Consulates

In the face of difficulties such as those described above, I became so concerned about this problem that last summer I recommended that AAU universities develop a system rating the quality of service by consulates throughout the world that handle visa applications. This system would identify consulates that consistently use unreasonable delaying tactics and arbitrary determinations in their processing of visa applications by students and scholars and separate

them from others. The system would bring to attention to consulates not willing or able to do the work in timely fashion required in response to those wishing to enter the country for education or research. We would distribute this annual ranking widely. The United States can not afford to project an image that alienates international students who will be leaders in fields we need.

Problems with the Visas Mantis system. A particularly troublesome part of the current visa restrictions is the Visas Mantis system, a special security clearance that must be issued when there is some concern about the sensitivity of the field the student wishes to enter or the technology to which the student or researcher would have access. These security checks are intended to prevent “prohibited export from the US of goods, technology, or sensitive information.” The consular post that requests a Mantis name check, or Security Advisor Opinion, must wait until Washington responds before granting a visa. In some cases this has taken months. A Visas Mantis check may also be required of students who have been admitted to the US but return home even for a brief vacation. This system now appears to some to be used arbitrarily to draw out the process that has resulted in its current reputation as a bureaucratic tool for harassing international students and scholars instead of a useful security measure.

University cases:

Student: Iranian Electrical Engineering doctoral student began program in Fall, 2000 on own funding. A good student, he was offered an assistantship a year later. In Fall 2002, married by proxy an Iranian. She could not get a visa because US Consul does not consider marriage by proxy valid. In August 2003 he returned to Iran to get wife. After numerous visits by him and his wife to the consulate, her visa was approved, but his own visa expired and he was held under a Security Advisory Opinion. Our office of International Education Services intervened with the Office of Public and Diplomat Liaison in the State Department, and he received the visa one year later in Dubai. It took so long to issue it that his wife's visa was no longer valid. He has returned to his academic program. Now his wife is trying to get a visa again. Is there any merit seen in this costly story?

Scholars:

Russian scholar invited to University to collaborate on research in reactions of membranes in the presence of metal ions. Applied for Exchange Visitor visa 2/10/2003. Finally received visa 8/23/04, 18 months later.

Chinese scholar invited to University to collaborate on the theory of phase transitions in complex fluids at the University's Institute for Physical Science and Technology. Applied for an Exchange Visitor visa 1/12/2004. Finally received visa 9/14/2004, 7 months later.

Russian scholar invited to come to University as a short-term scholar to do cooperative research in plasma physics for 1 month. Applied for Exchange Visitor Visa 12/08/2003 and is still pending. Still attempting to get him here.

Recommendations:

Changes in Visas Mantis policy

What are the current problems with Visas Mantis that could be changed? First, the category of visas requiring visas mantis clearance must be better defined. Currently too many visa applications are subject to Visas Mantis while the need is to focus on those who require special screening. Overuse is due to the large and unfocused number of academic areas listed on the technical alert list. The technical alert list needs to contain only clearly defined academic areas of real concern. Many administrators and bureaucrats no longer know what subjects should be deemed off-limits. Consular officers are intersecting the technical alert list with “Sensitive Areas” (academic subject matter areas referred to in the U. S. Patriot Act in which students and scholars could learn how to make something harmful to us), an oversimplification causing many more people to be subject to Visa Mantis.

A second concern is the timeline for visa clearance, which should be timely and predictable. Though a recent report claims that 95% of the Visa Mantis clearances are completed within a month, we find from our experience at Maryland that the clearances are often taking much longer.

A third problem is that the validity of a clearance when made is only for one year. Why not make it for the duration of the program? Now students and scholars are submitted to a Visa Mantis clearance more than once if they go out of the country. This repetitive processing seems excessive and unnecessary and very costly.

Long Term Consequences

As the examples illustrate, we are already witnessing the fraying of the system that has led the United States to its place as undisputed leader in world science, technology, and medicine. We are not investing in long-term basic research sufficiently to retain preeminence in the future. Apart from biosciences our effort has been declining across the board. As a nation, we are not providing incentives for Americans to pursue careers in basic science, and foreign scientists are discouraged from coming here. This trend must be reversed.

We need to remind ourselves that 3 billion people have joined the free market worldwide knowledge based economy in the past 15 years. The competition for human capital is absolutely fierce and we cannot afford to shoot ourselves not in the foot but in the head with restrictions that kill our economic future.

If the trend in applications is not reversed, the implication for the future of our universities is dire. Consider the extent to which our research universities depend on the result of our past open-armed welcome of the best talent from other countries. In our A. J. Clark School of Engineering, which is ranked in the top twenty engineering schools nationally, we have 193 tenured tenure/track faculty; 101 of them are foreign born. The vast majority did their graduate work in United States. The Deans of the Colleges of Life Sciences, Computer, Mathematical, & Physical Sciences and the Clark School of Engineering are all foreign born and U.S. educated.

These data are not an aberration. One only needs to extrapolate to the engineering schools throughout the country to get some sense of the enormous negative impact unreasonable visa restrictions can have on the nation's entire research and technology enterprise.

Some have cast this problem as a cyclical job market issue and claim there will be no shortage of scientists or engineers even if we keep out large numbers of international students. Though I personally doubt that there will be enough United States graduates to fill the vacancies, the main point here is the opportunity we lose to attract the right people, the most talented people to work in our industrial, commercial, educational, and research enterprises. As we have witnessed beginning in WWII some of the greatest thinkers who have contributed the most to our dominance in science and hence to our security, quality of life, and prosperity, have come to us from other countries. If we appear to be uninterested, many other countries including Canada, Australia, New Zealand, European countries, and Asian countries are putting out the welcome mat. These and other nations are competing effectively for those scientists and will gain technological advantages, weakening our economic and technological supremacy and our security.

Finally, we need to understand that globalization is the driving force in the world today. We live in a tightly connected world where every major issue is a global one. Whether it is the economy, the environment, security, pollution, energy, health, food safety, nuclear issues, or education, all are global issues. And like businesses, top universities are global in scope, responsibility and competitiveness too. As an example of changing global competitiveness consider the emergence of top-class universities around the world. China has set a goal to build a number of world-class universities over the next decade. And so has Taiwan and so has Japan and so have a lot of countries. Though most of the World's top universities are currently in the U.S., many are determined to change this balance, and they probably will. We cannot play into our decline by turning away the best and the brightest from our schools.

To remain competitive in the coming decades, we must continue to embrace the most capable students and scholars of other countries. Our security and quality of life depend on it.

Respectfully submitted,

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President