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1828 L Street NW, Suite 1050, Washington, DC 20036 • Phone (202) 452-0650 • Fax (202) 223-5364 • Internet: www.washingtoninstitute.org

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Tracking Students from Terrorism-Supporting Middle Eastern Countries: An Update

Benjamin Orbach

Foreign students and scholars contribute greatly to U.S. higher education. Yet, a very small number have exploited the student visa process either to commit acts of terrorism (such as the World Trade Center bombing) or to pursue studies that directly benefit their countries' pursuit of weapons of mass destruction (WMD).[1]

This phenomenon can be explained, in part, by the U.S. government's lack of an effective system for monitoring and tracking students, exchange visitors, and scholars from terrorism-supporting countries.[2] *The 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRA/IRA) mandates that such a program be developed and implemented by January 1, 2003. But until an appropriate electronic tracking system is implemented—and it is unlikely that a national system will be in place before 2003—the U.S. government will lack comprehensive data describing what students from terrorism-supporting countries study, where they study, and who pays for their studies. For at least three more years, this problem will continue, virtually unchecked.*

Background

In September 1997, The Washington Institute published *Open Admissions: U.S. Policy Toward Students from Terrorism-Supporting Countries in the Middle East,* by Hillary Mann (Policy Focus no. 34). *Open Admissions* focused on the difficulties the United States has in tracking and monitoring students from terrorism-supporting Middle Eastern countries (TSMECs) in U.S. colleges, universities, and other advanced academic programs. Specifically, Mann analyzed the trends of study and sources of funding for students from Iran, Iraq, Libya, Syria, and Sudan—countries on the U.S. Department of State's list of "state sponsors of terrorism." Her research revealed that the United States issued 9,767 visas to students of TSMECs between 1991 and 1996. Mann's research also brought to light the fact that a high number of these students study subjects that could help their respective countries to develop programs of biological, chemical, and nuclear weapons and ballistic missiles.

To address the problem, Mann recommended the following:[3]

- Tightening security procedures, including applying the most comprehensive background check available to all students and visitors from TSMECs.
- Denying entry to any student from a TSMEC who intends to study a subject that could aid in the production of chemical, biological, or nuclear weaponry or missile technology.
- Refusing visas to individuals whose studies are financed by the governments of Iran, Syria, or Sudan. This is already the practice in the cases of students from Iraq and Libya.
- Implementing and expanding the Immigration and Naturalization Service (INS) pilot program that would screen and monitor foreign students (as well as their spouses and children) from the

1. For instance, a key scientist in Iraq's nuclear weapons program earned a doctorate in nuclear engineering at Michigan State University, and three Iranian scientists involved in developing the Iranian nuclear program also studied in the United States. See Hillary Mann, *Open Admissions: U.S. Policy Toward Students from Terrorism-Supporting Countries in the Middle East,* Policy Focus no. 34 (Washington: The Washington Institute for Near East Policy, 1997), p. 1.
2. Most students are in the F1 visa class; scholars and exchange visitors, J1; and nonacademic (vocational) students, M1. The term "student" will apply generally to all foreign students, exchange visitors, scholars, and nonacademic students studying in the United States on F1, J1, or M1 visas.
3. Mann, *Open Admissions,* pp. 9–10.

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point of visa processing throughout their stay in the United States.

The Current Situation

The results of a 1995 INS Task Force on Foreign Student Controls confirmed that the current system of monitoring students from TSMECs does not sufficiently track potential security threats.[4] The INS and the U.S. Information Agency (USIA)—which recently merged with the State Department—require students to fill out forms and then, according to INS counterterrorism coordinator Walter Cadman, "huge amounts of paper" must be given to a contractor for data entry.[5] Thus, potential human error and slow input rates are two significant problems with the data. It can take up to a year for new data to be added to the relevant database. Because of this delay, the U.S. government lacks timely data on the number of students from any given country currently in the United States.

The current problem of tracking students from TSMECs, however, does not necessarily mean that consular offices are lax in their issuance of student visas to citizens of TSMECs. Specific procedures and restrictions are required for students from TSMECs. The State Department issues what it calls a "Visa Donkey" security advisory opinion (SAO)—which involves the most in-depth background check—for all students from Iraq and Libya. A "Visa Eagle" SAO—which is less comprehensive than a Visa Donkey SAO—is conducted for each Iranian male as well.[6] At present, SAOs are not automatically conducted for students from the other TSMECs. SAOs are conducted on a case-by-case basis for Syrian, Sudanese, and female Iranian students who propose to study subjects that could fall within the "critical fields list," or who previously served or state their intention to serve in their country's military or government.[7] In practice, a student who falls into one of these categories is usually not admitted to the United States.

In addition, if a student's primary source of funding is the government of one of the TSMECs, then the visa application is further scrutinized, and visa issuance is doubtful. In the cases of students from Iraq and Libya, this policy is more stringent in that it also carries over to secondary sources. For example, if an applicant's background check reveals that the primary source of funding is a parent who teaches at a Libyan government school, then the visa applicant would not receive a visa.[8]

Chart 1 displays the number of student visas issued to foreign nationals from TSMECs from 1994 to 1998.[9] With two exceptions—student visas for Libyans in 1996 and for Syrians in 1995—the number of visas issued to students from Iran, Iraq, Libya, and Syria decreased or remained constant in that period. At the same time, the number of student visas issued to students from Sudan remained roughly the same or increased in that period.

Mann's study also included INS data about the number of students from TSMECs who entered the United States from 1991 to 1996, as opposed to the number of visas issued. The most recent data that the INS has made available to the public, though, is from Fiscal Year (FY) 1996. As of October 1999, data for

Chart 1
Student Visas Issued, FY1994–FY1998

Year	Iran	Iraq	Libya	Sudan	Syria	All TSMECs
1994	797	96	18	193	381	1485
1995	736	82	10	199	412	1439
1996	518	58	14	191	343	1124
1997	448	40	10	218	248	964
1998	406	41	10	222	273	952
Total	**2905**	**317**	**62**	**1023**	**1657**	**5964**

Source: U.S. Department of State, Visa Control Office

4. U.S. Immigration and Naturalization Service (INS), "Controls Governing Foreign Students and Schools that Admit Them," final report by the Task Force on Foreign Student Controls, 1995. For a partial list of the report's primary conclusions see Mann, *Open Admissions,* p. 23.
5. Testimony of Walter D. Cadman, counterterrorism coordinator, INS Office of Field Operations, before the U.S. Senate Committee on the Judiciary, Subcommittee on Technology, Terrorism, and Government Information, hearing on domestic terrorism (Washington: Federal Document Clearing House, February 24, 1998).
6. According to author interviews with consular affairs officers, the Visa Eagle is conducted for all Iranian males between the age of 16 and 64 as well as for Iranians who studied in the United States since 1977. Interviews with consular affairs officers conducted August 16, 1999.
7. Ibid.
8. Ibid.
9. Mann's study displayed the figures from 1991 to 1996.

FY1997 and FY1998 had not been released, apparently because of certain inaccuracies. This fact alone illustrates the need for a new, more effective tracking system for students from TSMECs.

Open Doors Surveys

Currently, the best source of data about the academic subjects that students from TSMECs study is *Open Doors*, an annual publication of foreign student data compiled by the Institute of International Education (IIE), the largest nonprofit organization in the field of international educational exchange. IIE collects raw data about students from individual educational institutions for the purpose of studying and promoting international educational exchanges. IIE data is corroborated by collateral sources, including INS data (when available).[10] The IIE report is designed primarily for the higher education community and for government agencies concerned with education; it is not designed to address national security concerns. Not surprisingly, a report intended to promote educational exchange does not highlight problems that could arise from such exchanges. To prepare past reports, IIE received funding from USIA.

The data from *Open Doors* are compiled from two different surveys. The first is an annual census in which educational institutions report on the number of foreign students by country of origin and area of study. The respondents do not specify which students are studying particular subjects, however. The second survey, called the Individual Data Survey, provides more in-depth data than does the annual census.[11] The IIE collects this data only biannually—owing to the difficulty of collection[12]—but it does cross-tabulate information by nationality and area of study.

The Individual Data survey was not designed to collect information about issues relating to national security. Rather, the results of the Individual Data Survey are intended for policymakers who are interested in "the training needs and capabilities of established and emerging economies."[13]

Limitations of *Open Doors*

The information provided by *Open Doors* is currently the best available, but it is not timely enough to keep track of students from TSMECs for national security purposes. The most recent edition of *Open Doors* contains data collected from autumn 1997 and spring 1998.[14] This edition of *Open Doors* was not available to the public until April 1999, however, because of shipping problems from the Philippines, where it is printed, and a disk virus problem.[15] As a result, the information in the report was already twelve to eighteen months out of date at the time of distribution. This is ample time for students either to study a sensitive subject and return to their home country before their studies are detected, or to transfer from one university or course of study to another.

A second problem with *Open Doors* is that it is not comprehensive enough to judge national security threats. Responding to the two surveys that IIE conducts is voluntary, and respondents are expected to provide truthful and accurate information; however, students who pose a security risk are unlikely to do so. For example, a student sponsored by Iraq to study nuclear engineering would probably not voluntarily report this information to IIE.

As national security is not IIE's goal, *Open Doors* is neither comprehensive nor timely enough a source for making security assessments on the activities or locations of students from TSMECs. Yet, it is the best source of information and trend data about students from TSMECs.

IIE's 1997–98 Results

A review of the most recent IIE reports reveals that significant gaps in information still exist concerning students from TSMECs. The following charts provide an update of three areas concerning students from

10. Todd M. Davis, ed., *Open Doors 1997/98: Report on International Educational Exchange* (New York: Institute of International Education [IIE], 1998), p. 4.
11. Information is collected on an individual basis by reporting college and university officials. See Todd M. Davis, ed., *Open Doors 1996/97: Report on International Educational Exchange* (New York: IIE, 1997), p. 197.
12. Institutions that enroll larger numbers of foreign students have a more difficult time collecting the information requested by the Individual Data Survey. Ibid.
13. Ibid., p. 53.
14. Davis, *Open Doors 1997/98*, p. 139.
15. Information from the Individual Data Survey was provided to The Washington Institute only by special request.

Chart 2
Students Reported from Various Countries, 1995–96 to 1997–98

Country	1995–96[1]	1996–97[2]	1997–98[3]	% change
Iran	2,628	2,129	1,863	-29%
Iraq	186	207	155	-17%
Libya	60	51	41	-32%
Sudan	380	339	328	-14%
Syria	628	541	534	-15%
TSMEC subtotal	**3,882**	**3,267**	**2,921**	**-25%**
All Middle East[4]	**30,563**	**29,841**	**30,962**	**+1%**
All Countries[5]	**453,787**	**457,984**	**481,280**	**+6%**

Notes: 1. Open Doors 1996/97, pp. 30, 32.
2. Open Doors 1997/98, pp. 14, 17.
3. Ibid.
4. Open Doors 1996/97, p. vii, and Open Doors 1997/98, p. ix.
5. Open Doors 1997/98, p. ix.

TSMECs: the total reported number of students, the primary declared fields of study, and declared sources of funding. The three charts are a compilation of information from the annual census detailed in *Open Doors* and the data from the 1997–98 Individual Data Survey.

Student Totals

According to *Open Doors*, between the 1995–96 school year and the 1997–98 school year, the overall number of Middle Eastern students reported to be studying in the United States increased marginally from 30,563 to 30,962.[16] In contrast, the number of students from TSMECs is reported to have declined in that time, from 3,882 to 2,921. Still, no definitive conclusions can be drawn from the TSMEC student totals shown in Chart 2. It is possible that students from TSMECs are not reporting their presence, and that there *are* increases in their student totals consistent with the overall increase of students from the rest of the Middle East.[17]

16. For information on the 1995–96 school year, see Davis, *Open Doors 1996/97*, p. vii; for the 1997–98 school year, see Davis, *Open Doors 1997/98*, p. ix.
17. The bulk of the 1997–98 regional increase consists of students from Egypt (19 percent increase), Oman (13 percent increase), Cyprus (12 percent increase), Turkey (12 percent increase), Saudi Arabia (7 percent increase) and Israel (7 percent increase). Ibid., pp. 14, 17.

Chart 3
Breakdown of Declared Areas of Study: All Foreign Students (AFS) in the United States, versus Students from TSMECs, 1997–98[1]

Because of rounding, percentage sums may not equal 100 percent

Areas of Study	AFS	Iran	Iraq	Libya	Sudan	Syria
Business	21%	7%	4%	16%	10%	12%
Engineering	15%	30%	25%	12%	26%	26%
Physical/Life	8%	16%	13%	12%	7%	4%
Health	4%	11%	14%	8%	7%	20%
Math/Computer	9%	10%	16%	24%	9%	11%
Undeclared	6%	6%	4%	12%	6%	5%
Other[2]	38%	21%	24%	16%	36%	23%

Notes: 1. Data on students from TSMECs from 1997 Individual Data Survey. AFS data from Open Doors 1997/98, pp. 64–65.
2. "Other" includes agriculture, communications, education, fine arts, general studies, humanities, and intensive English.

Students' Fields of Study

Nonresponse bias may bring the accuracy of the data in Chart 3 into question. For area of study, the Individual Data Survey accounts for only about 50 percent of the students from TSMECs who were reported in the annual census—1,453 of the 2,921 responses displayed in the 1997–98 column of Chart 2.[18] By comparison, for all foreign students, 80 percent—386,480 students of 481,280 total—responded and declared a field of study.[19]

The available data shows that a greater percentage of students from TSMECs who respond to the survey report that they study hard sciences than is the case for other foreign students. As seen in Chart 3, the most popular declared field of study for students from TSMECs, with the exception of Libyans, is engineering, with other sciences following. For foreign students as a whole, TSMECs included, the most popular specific field of study is business, followed by engineering. Fields of study that are not of particular national security concern—represented in the chart as "other"—constitute the declared area of study for between 15 percent and 40 percent of students from TSMECs. These reported percentages under-

18. Of the 1,453 students from TSMECs who responded to the Individual Data Survey, 894 were Iranians, 71 Iraqis, 25 Libyans, 165 Sudanese, and 298 Syrians.
19. Davis, *Open Doors 1997/98*, p. 141.

Chart 4
Declared Sources of Funding: All Foreign Students (AFS) versus Students from TSMECs, 1997–98[1]

Percentage sums may not equal 100 percent because of rounding

Primary Source[2]	AFS	Iran	Iraq	Libya	Sudan	Syria
Personal/Family[3]	73%	72%	73%	78%	71%	84%
U.S. sponsor[4]	21%	27%	27%	22%	21%	10%
Non-U.S. sponsor (probably own gov't)	6%	2%	0%	0%	8%	7%

Notes: 1. For Chart 4, data on students from TSMECs are from the 1997 Individual Data Survey. AFS statistics are from Davis, Open Doors 1997/98, p. 34.
2. International organizations and other sources constitute less than 1 percent of students' primary source of funds in 1997–98 and are not included in Chart 4.
3. Includes personal and family funds, foreign private sponsors, and current employment.
4. Includes U.S. colleges or universities, private U.S. sponsors, and the U.S. government.

line the point that many students from TSMECs are not necessarily a security threat.

Students' Sources of Funding

No definitive conclusions can be made regarding the sources of funding for students from TSMECs because the information from IIE is incomplete. The Individual Data Survey offers information for an average of only 18 percent of the students from TSMECs whom the reporting institutions say attend their schools; 317 Iranians, 15 Iraqis, 9 Libyans, 66 Sudanese, and 105 Syrians responded to that particular question.[20] The response rate to the question among all foreign students in the annual census was only 40 percent—193,813 responses out of a total of 481,280 foreign students.[21] Although incomplete, the data available show that, like other international students, the primary declared source of funding for students from TSMECs comes from personal or family sources. Because U.S. legal restrictions prevent Iraqi and Libyan students from obtaining visas if they are financed by their governments, this factor may have led the twenty-four Libyan and Iraqi students who participated in the Individual Data Survey to misrepresent their primary source of funding.[22]

The data reported by IIE is insufficient to judge the potential national security threat of students from TSMECs who are intent on strengthening their countries' WMD and missile programs. Although many students from TSMECs do not pose a threat to U.S. security, a system needs to be established to track and monitor their location and academic activities. As evidenced by IIE data, the U.S. government currently does not possess much of this information. This problem prompted William Graham, a member of the bipartisan, congressionally mandated Commission to Assess the Ballistic Missile Threat to the United States, to ask, "Who is looking out for the security interests of the United States in this process? The answer is, no one."[23]

The CIPRIS Pilot Program

The IIRA/IRA in 1996 recommended several steps to address the question of tracking foreign students. Most important of these measures is the Coordinated Interagency Partnership Regulating International Students (CIPRIS), which is mandated by Subtitle D of IIRA/IRA.[24] Since January 1998, the INS and the Department of State have run CIPRIS, a pilot project that electronically tracks approximately 10,000 foreign students (and their dependents) from all countries who are enrolled in twenty-one colleges, universities, and training programs in the southern United States. The pilot project involves those twenty-one schools and programs, USIA (before its merger with the State Department), the Department of Education, and Atlanta's Hartsfield International Airport. The passage of IIRA/IRA was prompted in part by criminal and terror acts perpetrated in the early 1990s by illegal immigrants who had entered the United States with student visas.

The CIPRIS pilot project has the potential to be a great improvement over the current situation in other regions of the United States, as it supplies comprehensive and "near real time"[25] information about

20. Data supplied to author from the 1997 IIE Individual Data Survey.
21. Davis, *Open Doors 1997/98*, p. 141.
22. Mann, *Open Admissions*, pp. 7–8.
23. Ed Timms and Jayne Noble Suhler, "Security Worries Putting Spotlight on Student Visas," *Dallas Morning News*, September 20, 1998, p. 24A
24. Available online at http://www.ins.usdoj.gov/graphics/services/cipris/index.htm
25. Cadman, Senate testimony, February 24, 1998.

every international student (and the student's dependent[s]) studying at any of the twenty-one southern U.S. schools or training programs involved in the project. Students enter the CIPRIS system when they are first accepted by a school or program. They are then tracked through the CIPRIS system as they apply for a visa at a consular post overseas, leave their home country, enter the United States, and start their program. Updates of students' records are transmitted electronically to the INS by designated school officers (DSOs)[26] and exchange program responsible officers (ROs). As updates are transmitted, they are encrypted and compressed for security purposes. Data accessible through CIPRIS include the following:[27]

- visa issuance and classification;
- current address and location of activity;
- application data and updates;
- movement in and out of the country;
- change in field of study or major;
- academic status and fulfillment of program requirements (if applicable);
- disciplinary action taken against the student as a result of criminal behavior;
- DSO recommendations concerning hardship employment and practical training; and
- the projected end date of the student's program in the United States.

If the system is implemented nationally—which would not be until 2003—overseas consular offices will issue each foreign student (and dependent age fourteen or older) a machine-readable document containing the individual's key personal information, photograph, and fingerprint. This document will allow the INS and the State Department—USIA's successor in this endeavor—full access to each individual's information for the purposes of performing a background check and subsequently monitoring the location and studies of the student.

26. The term DSO in this study refers to both designated school officers and the ROs who are responsible for the approximately 200,000 exchange visitors currently in the United States.

27. See Subsection C, "Information to be Collected," of Section 641, "Program to Collect Information Relating to Non-Immigrant Foreign Students and Other Exchange Program Participants," Subtitle D, "Other Provisions," in PL104-208, *Omnibus Appropriations Act, 1997*. See also http://www.ins.usdoj.gov/graphics/services/cipris/index.htm.

The Benefits of CIPRIS

Advocates of the pilot project argue that CIPRIS provides a preview of several of the benefits that a comprehensive, national, automated tracking system will offer to both the U.S. government and those involved in international educational exchanges.

The U.S. Government

Once CIPRIS is implemented nationally, the INS and the State Department should benefit from the system's features, such as tracking and electronic organization, and from a key byproduct: deterrence. These benefits fill gaps that are not addressed in the current INS system.

'Fail Safe Tracking.' Foreign students will be tracked for the duration of their stay in the United States. If students do not check in with their DSOs within sixty days of arriving in the United States, INS/CIPRIS generates an inquiry about the students' location. If there is no response to the inquiry within thirty days, a direct contact from an immigration officer is triggered.

Electronic Organization. The system has an automated search/merge process that allows a CIPRIS manager and CIPRIS team to identify and merge duplicate records to fight visa fraud. Once students have their I-20 or IAP-66 visa documents scanned into the system, all other I-20 or IAP-66 records previously assigned to them are void. In addition, the electronic organization of the data will allow authorized government personnel to access students' records twenty-four hours a day.

Deterrence. The existence of a U.S. identification document—combined with a fingerprint, photo identification, and accessible electronic record—will provide greater security against potential terror threats. Having a computer copy of the fingerprint of every applicant and card-holder should function as a major deterrent to potential security threats who slip through the present (non-CIPRIS) system.

Universities, Colleges, and Students

CIPRIS offers benefits that go beyond improved national security. It will improve several facets of the administration and exchange of international students for DSOs, students, and policymakers.

Administration. CIPRIS will reduce paperwork for DSOs in several different ways. DSOs will no longer have to send paperwork by mail to the INS, send an annual report to USIA as they did in the past, or sign or reendorse students' I-20 or IAP-66 visa forms (to protect against visa fraud) whenever they want to exit the country. The computer record will validate these forms instead. This will also cut down on the heavy traffic in DSOs' offices before school vacations. Also, rather than have DSOs complete surveys and collect data for *Open Doors,* information from CIPRIS will already contain all the necessary data. This will save time and the data will be comprehensive, as it will no longer depend on voluntary disclosures by the students.

Faster Feedback. The electronic collection and transfer of data provided by CIPRIS will allow students to receive faster feedback on questions relating to their visa status, hardship employment, and practical training approval. Under the current system, it can take months for the exchange of documents from a DSO's office to the INS and then back to the DSO. One CIPRIS pilot DSO described the new speed with which DSOs have received responses to student queries as a "real benefit."[28]

Speedier Processing at Ports of Entry. The machine-readable identification document will serve as a secure and durable travel identification and will supplement a student's passport. The U.S.-issued document will allow easier student travel, as the student's identity and background will not be in question. Jorge Bartholomew, the international student adviser at a CIPRIS pilot participant, Oakwood College in Huntsville, Ala., said, "Students will find that having the new [identification] card makes it easier for them to move in and out of the country. No paper will be needed, just the card. Now, we're often having to replace I-20s because students lose or damage them."[29]

Cultural Exchanges. If students are tracked and accounted for, there is a decreased chance that they will be viewed as potential security concerns. This could positively affect legislation related to foreign students. The existence of an electronic tracking system that safeguards U.S. national security could also lead to an increase in both government and private funding for programs that promote international educational and cultural exchanges.

Potential Concerns with CIPRIS

Critics of the pilot program cite problems related to CIPRIS's technical feasibility, cost, potential to discourage foreign exchanges, and underlying intent.

Technical Aspects. Several potential problems loom concerning the technical collection of data. These include the differences between small colleges and larger universities with regard to their interface with the system; the differences between schools that already have existing data systems and those that do not; and the problem of monitoring dependents or graduate students who are not registered for classes. Identifying and solving these and other problems is the purpose of the pilot phase of the program.

DSO Concerns. Some foreign student advisers at pilot project schools initially feared CIPRIS would fundamentally alter their relationship with their students. Some DSOs worry that students will no longer see them as advisers but as police officers. This anxiety was especially pronounced at the start of the pilot project, when the DSOs were responsible for fingerprinting and collecting certain fees and information. This has since been changed; when CIPRIS is fully implemented, fingerprinting will be performed at overseas consular offices before students arrive in the United States. According to interviews, the majority of pilot school DSOs actually feel that they perform "the same functions, but the method used has changed."[30]

But some DSOs—especially those from smaller schools—are concerned about the start-up time, training, and cost caused by CIPRIS; some have said that CIPRIS has caused a greater "level of activity" for them.[31] Other DSOs involved, however, said they thought that the technology was "easy to learn" and that training really only took a week.[32] Based on the

28. Author interview with Catheryn Cotten, director of international students at a CIPRIS pilot project participant, Duke University in Durham, N.C., July 21, 1999.
29. Kyna Rubin, "Trial Balloon or Trojan Horse?" *International Educator* 6, no. 4 (summer 1997).
30. Kay Clifford and Susan Lesser, "Interviews with CIPRIS Pilot Participants," *NAFSA News* (March 22, 1999), online at http://www.nafsa.org/cipris/410_pilot_program_report.html
31. Ibid.
32. Author interview with Jorge Bartholomew, international student adviser at a CIPRIS pilot program participant, Oakwood College in Huntsville, Ala., August 16, 1999.

experiences of the pilot project, it seems that the initial process of data entry may create a greater work burden, but once the information is in the system, processing, sending, and replacing I-20 forms will be accomplished more quickly than under the current paper-based system.

Cost. Once CIPRIS is implemented, an annual flat fee for F-1 students, M-1 students, and J-1 exchange visitors[33] will make CIPRIS self-sufficient. Students may be displeased with an additional fee, but by statute the cost is not to exceed $100—a small portion of students' total education and living expenses. This fee is calculated based on the costs to develop and operate the system, the need to employ extra officers, and the need to provide CIPRIS-related support to schools and students.

Students' Rights. IIRA/IRA states that the Family Educational Rights and Privacy Act of 1974 (FERPA) does "not apply to aliens" with regard to the collection of data from institutions of higher education—requiring information about foreign students will not be an infringement of the students' legal rights.[34] Because of the waiving of FERPA, foreign student advocates fear the potential violation of foreign students' human rights. Yet, even before IIRA/IRA was passed, there was already a mandate to collect most of the information that CIPRIS supplies. In the past, though, the INS did not collect the data for logistical reasons.

There are, however, certain pieces of information that INS/CIPRIS will collect for the first time—such as concerning a school suspension because of criminal activity—that have therefore become a source of contention.[35] To ensure privacy, the detailed information supplied by CIPRIS will not be available in the public domain. A National Security Agency–certified team is currently completing a full analysis of the security needs of the proposed full system. Officials with certain security clearances will be able to request specific data only on a need-to-know basis.

According to interviews of pilot school DSOs, student reaction to the project has been mixed. At ten institutions, students said they did not believe the program had much effect on their lives. At three institutions, students "strongly objected" to being fingerprinted.[36] It is possible that some of the benefits of the new system are lost on the students, however, as they have not had the experience of previous students, who encountered problems such as waiting in line to have their I-20 forms signed before leaving the country.

Intent. Some powerful institutions have opposed the idea of monitoring foreign students at all. In a 1997 position paper, Gary Althen, then-president of NAFSA, the Association of International Educators, claimed that the underlying premise behind CIPRIS is that foreign students are potential terrorists. He asserted that CIPRIS erects "unnecessary obstacles"[37] and unwarranted, "burdensome requirements"[38] that will discourage foreign educational exchange. Althen further argued that there is no reason to believe that CIPRIS "would have any effect in countering the admittedly real threat of terrorism," because a potential terrorist "bent on an act of terror" would not be deterred by "forms and fees."[39] A terrorist would instead enter the country illegally through a different channel.

A counterargument could be made, however, that it would be irresponsible for the U.S. government to admit students from TSMECs and not track them simply based on the belief that a determined terrorist will find a way around the rules. Moreover, the character of NAFSA's concerns have changed over the last two years, shifting from actual opposition to CIPRIS to pushing for changing aspects of the program that NAFSA claims will ease and enrich foreign students' experiences in the United States. NAFSA's suggestions include a more gradual implementation of the system and the reduction of student fees.

The Future of CIPRIS

According to IIRA/IRA, "No later then four years after the commencement" of the pilot project, the attorney general, secretary of state, and secretary of education must submit a joint report to the Judiciary Committees of the Senate and House of Representatives on the results of the pilot and "the feasibility of

33. Technically, visitors participating in a federal government–sponsored program are exempt from the fee.
34. See Subsection C, Section 641, Subtitle D, PL104-208, Omnibus Appropriations Act.
35. Rubin, "Trial Balloon or Trojan Horse?"
36. Clifford and Lesser, "Interviews with CIPRIS Pilot Participants."
37. Gary Althen, "CIPRIS: Poor Policy from Faulty Assumptions," *International Educator* 6, no. 4 (summer 1997).
38. Gary Althen, "CIPRIS and NAFSA" (November 15, 1997), online at http://www.nafsa.org/retrieve/2.46/246.2txt
39. Althen, "CIPRIS: Poor Policy from Faulty Assumptions."

expanding the program."[40] As of January 1, 2002, CIPRIS is to be expanded to cover all nationals from five countries as yet to be determined. As of January 1, 2003, CIPRIS is to be fully expanded to cover nationals from all countries. Although Congress has mandated a form of electronic tracking, full implementation of CIPRIS by the target date of January 1, 2003, is uncertain.

Clearly, CIPRIS will improve U.S. national security vis-à-vis foreign students from TSMECs. Other benefits, ranging from comprehensive data about international cultural exchanges to improved administration of foreign students, make CIPRIS an attractive system. Some may feel, however, that CIPRIS is inappropriate because of the concerns cited above. To be sure, it is not clear that a system as detailed and as multifaceted as CIPRIS is necessary for the purpose of meeting national security concerns related to students from TSMECs. Prior to full implementation, some of the concerns—such as CIPRIS's ease of use and its ability to safeguard the privacy of foreign students—will need to be further addressed.

These concerns aside, if the pilot program is fully implemented into a national system, CIPRIS will provide the U.S. government with information "at every stage of the process"[41] on all foreign students—not just those from TSMECs. Catheryn Cotten, director of international students at Duke University, summed up CIPRIS as "a system that protects the integrity of the United States's borders better than anything now, and I hope encourages and supports the bona fide scholars and students currently in the United States."[42]

Policy Recommendations

The full implementation of CIPRIS would solve the problem of tracking and monitoring students from TSMECs. If CIPRIS were fully implemented, it would replace a current system that has numerous deficiencies and does not adequately protect U.S. national security interests. CIPRIS would provide an electronic accounting of students (and their dependents) from the time that they apply for a visa at an overseas consular post to the time that they complete their program of study and return to their home countries.

If CIPRIS is not fully implemented, then another system should be developed that will focus specifically on the approximately 3,000 students from TSMECs, as well as on the students from other countries on the Department of State's list of state sponsors of terrorism. As the pilot project now tracks 10,000 students from different countries, it seems plausible to track students from these specific countries with the current technology.

Whether or not CIPRIS is fully implemented, a major problem still exists in that students from TSMECs who are currently in the United States—and those who will arrive before the proposed full implementation of CIPRIS in January 2003—will not be accounted for properly. This three-year window is crucial, especially in regard to the proliferation of WMD. To address this threat, the time-frame for the full implementation of the CIPRIS system needs to be pushed forward. One other option is to include the five TSMECs among those countries involved in the test starting in January 2002.

The implementation of a national tracking system for students from TSMECs, as previously recommended in Mann's 1997 study, is a step towards both protecting U.S. citizens from foreign terrorists and protecting TSMECs students from the public stigma of being labeled as a security threat. In the interim—as is clear from the *Open Doors* data and the fact that the INS has yet to release its data for the last two fiscal years—government officials are currently fighting this potentially critical national security battle with incomplete, inaccurate, and outdated information.

Benjamin Orbach was a 1998–99 research associate at The Washington Institute.

40. See Subsection F, "Joint Report," of Section 641, Subtitle D, PL 104–208, *Omnibus Appropriations Act, 1997.*
41. Testimony of William Yates, INS director of immigration services, before the House Committee on the Judiciary, Subcommittee on Immigration and Claims, hearing on nonimmigrant visa fraud (Washington: Federal Document Clearing House, May 5, 1999).
42. Author interview with Catheryn Cotten, July 21, 1999.

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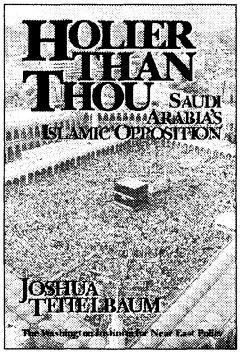

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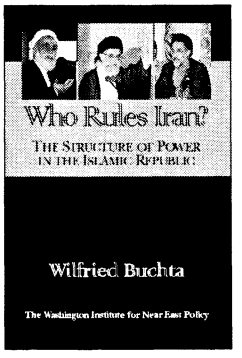

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RESEARCH NOTE no. 9

Tracking Students from Terrorism-Supporting Middle Eastern Countries: An Update