

SUBJECT: Requiring notice of withdrawal or nonattendance of foreign students

COMMITTEE: Higher Education — favorable without amendment

VOTE: 6 ayes — Branch, Castro, D. Howard, Johnson, Lewis, Patrick

1 nay — Alonzo

2 absent — Bonnen, Brown

SENATE VOTE: On final passage, April 7 — 31-0, on Local and Uncontested Calendar

WITNESSES: None

BACKGROUND: Three avenues allow students from other countries to come to the United States as nonimmigrants for a specific purpose and period of time. The F visa is for those pursuing a full-time academic education; the M visa is for those pursuing a non-academic (vocational) course of study; and the J visa is a cultural exchange visa that can include scholars, professors, and foreign medical graduates, among others.

Under federal regulations, 8 C.F.R. sec. 214, students issued F and M visas must physically check in to their places of study before registering for classes. Educational institutions approved to receive foreign students must submit and update certain information to the federal Student and Exchange Visitor Information System (SEVIS), administered by the U.S. Department of Homeland Security (DHS), including:

- identity and address of the alien;
- nonimmigrant classification of the alien, including the date of visa issuance, and any change or extension;
- academic status of the alien (e.g., full-time enrollment); and
- any disciplinary action taken by the school, college, or university as a result of a crime committed by the alien.

An educational institution is required to update SEVIS within 21 days of certain changes in a student's status, including a student who has failed to

maintain status or complete his or her program or a student who has graduated early.

Foreign students who decide to transfer schools must first notify their current educational institutions of the intent to transfer. The student must obtain the necessary documentation from the new institution, which is responsible for determining that the student has maintained the student's status at the original institution and thus is eligible for transfer. When the change of schools is complete, the new institution is required to update the SEVIS within 15 days of the program start date.

U.S. Customs and Immigration Services (USCIS) performs regular audits for compliance with these requirements. Institutions that fail to adhere to the requirements could lose their ability to accept international students.

**DIGEST:**

SB 1009 would add Education Code, sec. 51.9091 to require a public institution of higher education approved by the U.S. secretary of Homeland Security to enroll foreign students to promptly notify the federal Student and Exchange Visitor Information System (SEVIS) or a successor program if a student who was enrolled under a nonimmigrant F or M visa:

- withdrew from the institution;
- withdrew from all courses in which the student was enrolled;
- was dismissed by the institution for non-attendance; or
- had any other official administrative action taken as a result of non-attendance.

The bill would take effect September 1, 2011.

**SUPPORTERS  
SAY:**

SB 1009 would add a requirement for public educational institutions to notify SEVIS if a foreign student withdrew from all of the student's courses or from the school or if a program terminated the student's enrollment for not attending class. While a federal standard is in place, adding this standard in the Texas law would emphasize the importance of this system. By requiring institutions to notify SEVIS promptly, SB 1009 would encourage faster reporting, creating a more accurate and complete reporting system for foreign students attending a college or university on a student visa.

Concerns about security remain a top priority nearly 10 years after the September 11, 2001, terrorist attacks by foreign nationals, which included several terrorists on student visas. The arrest and arraignment of a Saudi student in Lubbock accused of buying chemicals and equipment to build a bomb is a reminder of the importance of keeping track of foreign students studying in the United States. The numbers of foreign nationals attending American educational programs has more than doubled in the last two decades.

**OPPONENTS  
SAY:**

SB 1009 is unnecessary because federal law already mandates that all higher education institutions enrolling foreign students participate in the SEVIS program, which collects comprehensive data about the status of foreign students.

**NOTES:**

The House companion bill, HB 743 by Sheffield, was reported favorably, as substituted, by the Higher Education Committee on March 28, placed on the General State Calendar on April 14, and returned to committee on April 19 after a point of order against the bill was sustained.