

A NATION CHALLENGED: STUDENT VISAS; EFFORTS TO TRACK FOREIGN STUDENTS ARE SAID TO LAG

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Body

Despite promises to tighten controls on student visas after Sept. 11, the government is at least a year 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. Even then, immigration service officials said, there will not be enough enforcement agents to check on all of the visa violators flagged by the system.

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 it 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.

"As we get further and further from Sept. 11, there has been kind of a resumption of the traditional battle lines," said Representative Anthony Weiner, Democrat of New York.

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, the 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 the Immigration and Naturalization Service that called the planned system unworkable and demanding technical advisory groups and training.

Keeping track of newcomers on student visas might seem straightforward. But like other issues of domestic defense, it gets tangled in complexities. Universities say that policing students violates the culture of academic freedom.

In addition, any new push to monitor the 74,000 universities and technical schools where foreign students are enrolled will strain government agencies that even before Sept. 11 were considered the weakest link in fighting terrorism. Even in big cities, the immigration service typically assigns only one person to work on visas with colleges and myriad other schools offering subjects like computer, language and flight training.

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The issue is particularly pressing for community and technical colleges, which rely heavily on foreign students because they pay higher tuition. The colleges aggressively market themselves with Web sites in, among other languages, Arabic and with recruiting trips around the world. The Illinois Institute of Technology, for example, enrolls a higher percentage of foreign students than do Harvard, New York University or Columbia. Over all, foreign students spent \$12 billion in the United States last year.

President Bush first promised better monitoring of student visas in October. On Friday, he said he was increasing the immigration service budget by 29 percent, which immigration officials said would largely be used for computer systems to track the more than 30 million visas issued in this country each year.

Immigration officials said it was unclear if they would be able to hire more enforcement agents. They said many of the extra resources the agency had received in recent years had gone toward tightening the Mexican border. There are now only 2,000 immigration enforcement agents nationwide, and they have an array of duties that include tracking hundreds of thousands of visa violators.

Michael Becraft, the acting deputy commissioner of the immigration service, recently told Congress that it had been hard for enforcement agents to monitor foreign students because the agents are "focused in a lot of different directions." Once the tracking system is completed, the agency will need to find ways to scan the database to pinpoint the visa violators who seem most likely to pose a threat.

The Iranian hostage crisis in 1979 first raised the possibility of militants' entering the country disguised as students. In 1983, the immigration service began requiring colleges to report when students showed up and when they left, to make sure they did not violate the time limits imposed by their visas. But by 1988, the paper forms that reported this information had piled up so high in immigration offices that officials told the colleges to stop sending them.

Foreign students now apply for visas in their home countries and then report to the immigration service at the border. But the agency takes six months to a year to report to the colleges on whom they should be expecting. The colleges do not confirm that these students actually show up unless the immigration service asks, which generally does not happen.

The visa forms themselves present several opportunities for abuse. Before students enter the country, they can receive forms known as I-20's from several colleges or technical schools, depending on how many offer them admission. The students are supposed to use only the form from the institution they plan to attend when they apply for a visa. But immigration officials acknowledge that the extra forms can be forged to obtain multiple visas. Complicating the problem is that community colleges and language schools often have open enrollment, and send I-20's freely.

In the days after Sept. 11, immigration officials had to admit to Congress that they had no idea how many foreign students had overstayed or violated their visas, as Mr. Hanjour had. He supposedly was coming to the United States to take an English course at a language school in California, but never attended..

Certainly other people have taken advantage of the holes in the system. The terrorist who drove the bomb-laden truck to the World Trade Center in 1993 had entered the country on a student visa but never enrolled in the language school he claimed to be attending. In San Diego, several community college officials were convicted of taking bribes to secure visas for Middle Eastern students from 1989 to 1995.

The first World Trade Center attack prompted Louis J. Freeh, then the director of the Federal Bureau of Investigation, to call for tighter monitoring of who entered the country. 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, allowing the immigration service to quickly tell when they violated the visa's conditions. The system was to track what they were studying, and any change in address.

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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. The immigration service backed off a proposal to have them accredited when the schools said the process would be too expensive.

"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.

But the regulations dictating how and when the colleges will be required to enter the information in the system remain to be worked out, and the institutions still object to many aspects of the plan. In particular, they warn that a proposal to collect a \$95 fee from visa applicants would cause too much delay and steer students to competing countries like Australia and Canada.

"We're losing a market share of students who were going to come here," said George Beers, dean of international and distance education at Foothill College in Los Altos Hills, Calif., where \$11 million of a \$130 million budget comes from foreign students. "I think there's some overreaction in Congress. There's a few senators that feel they need to show they're doing something, and this is an easy, very visible area."

The colleges have also objected to a plan proposed by Mr. Miller that would prevent foreign students from receiving diplomas until they confirm that they have either returned home or have extended their visas.

The immigration service says it plans to have its new system ready for colleges to use voluntarily this summer. Since Sept. 11, Congress has insisted that the system must be in operation by next January.

In the letter released last week, the higher education organizations said they were "deeply worried" that the system would not be fully operating by that deadline. "Efforts to launch such systems without adequate preparation are doomed to failure," they warned.

Immigration officials seemed annoyed by the letter. "Everyone involved must recognize that Congress and the American people want this system up and running, and we intend to do just that," said Russell A. Bergeron Jr., a spokesman for the immigration service.

The colleges continue to argue that the system would not have prevented the attacks. "It is clear that singling out only students -- which represent less than 2 percent of those visitors -- will not increase our national security," the Association of International Educators has said.

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Graphic

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Photo: George Beers of Foothill College meeting with an Indian student, Sharmila Mathews, to discuss her visa. (Peter DaSilva for The New York Times)(pg. A7) Chart: "An Education in America"More students from around the world are attending colleges and universities in the United States. Grapg tracks total international students enrolled, 1960-2001*(as percentage of all students) *Academic years Institutions with highest number of international students, 2000-2001 RANK: 1INSTITUTION: New York UniversityNUMBER OF FOREIGN STUDENTS: 5,399 RANK: 2INSTITUTION: University of Southern CaliforniaNUMBER OF FOREIGN STUDENTS: 5,321 RANK: 3INSTITUTION: Columbia UniversityNUMBER OF FOREIGN STUDENTS: 4,837 RANK: 4INSTITUTION: Purdue University Main CampusNUMBER OF FOREIGN STUDENTS: 4,469 RANK: 5INSTITUTION: Boston UniversityNUMBER OF FOREIGN STUDENTS: 4,443 RANK: 6INSTITUTION: University of Texas at AustinNUMBER OF FOREIGN STUDENTS: 4,320 RANK: 7INSTITUTION: Ohio State University Main CampusNUMBER OF FOREIGN STUDENTS: 4,035 RANK: 8INSTITUTION: University of Michigan at Ann ArborNUMBER OF FOREIGN STUDENTS: 4,004 RANK: 9INSTITUTION: University of Wisconsin at MadisonNUMBER OF FOREIGN STUDENTS: 3,938 RANK: 10INSTITUTION: Northern Virginia Community CollegeNUMBER OF FOREIGN STUDENTS: 3,877 Top 10 countries of origin, 2000-2001 RANK: 1COUNTRY: China RANK: 2COUNTRY: India RANK: 3COUNTRY: Japan RANK: 4COUNTRY: South Korea RANK: 5COUNTRY: Taiwan RANK: 6COUNTRY: Canada RANK: 7COUNTRY: Indonesia RANK: 8COUNTRY: Thailand RANK: 9COUNTRY: Turkey RANK: 10COUNTRY: Mexico(Source: Institute of International Education)(pg. A7)

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