

Migration Enforcement Agency Discourages Funds for Its Own Work

By David North

Given that would-be Wall Street bomber Quazi Mohammed Nafis had a student visa,¹ as did Times Square bomber Faisal Shahzad² and as did the 9/11 pilots Mohamed Atta and Marwan Al-Shehhi 11 years earlier,³ perhaps it is time to look a little more closely at the sleepy agency that regulates the educational bodies that play host to foreign students, the Student and Exchange Visitor Program (SEVP).

SEVP is a subset of Immigration and Customs Enforcement (ICE), which, in turn, is part of the Department of Homeland Security. An educational institution cannot cause the admission of aliens without getting the general authority to do so from SEVP. ICE is also supposed to stop the operations of visa mills, store-front entities that collect tuition from aliens in exchange for visas, but do not, in fact, offer any education.

It turns out that SEVP is an immigration enforcement agency that sometimes complains about a lack of funds⁴ to do its job, but that consistently *refuses to spend money allocated to it, and refuses to raise the fees that would solve its own funding problems.*

That those people who either did, or wanted to, spread death and destruction in Manhattan had used student visas is generally known, but little has been written on the structure, and strange funding, of SEVP.

Generally, it appears that:

- There are a massive number of foreign students; SEVP puts the current number of students and their dependents at close to 1.2 million,⁵ many of whom will stay here for the rest of their lives, some legally and some illegally.
- The government has decided to manage these million-plus aliens indirectly through more than 10,000 educational institutions and has put SEVP in charge of that process. These institutions range from Harvard and Stanford at one end of the continuum, to corrupt visa mills and the flight schools that helped train the 9/11 terrorist pilots at the other.
- SEVP, in turn, is an all-too-modest agency that seems to have a limited enthusiasm for the enforcement aspects of its job and when challenged will say that it has only limited resources to combat fraud at the immigration/education nexus.
- In reality, however, it potentially has an abundance of money to handle law enforcement — 99 percent of it from fees paid by the foreign students⁶ — but has used only portions of it; at the end of FY 2012 it had an estimated \$135 million in surplus, more than enough to fund a year's activities. Further, it can raise substantial additional funds without using a penny of taxpayer money.

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Let's explore the challenges of this largely neglected part of our immigration mechanism, a sleepy agency that persists in doing an inadequate job, with an unusual type of government funding, and a Senate committee that is appropriately worried about the agency, but has failed to ask some of the right questions.

I. A Segment of U.S. Immigration Policy

Over and above the million or so legal immigrants that arrive (or are adjusted) each year, there are three other major streams of arriving aliens, probably in about this order: tourists, illegal entrants, and international students.

Some of the students go home after their studies, hopefully with a cheerful view of the States; others move to other nonimmigrant categories, notably H-1B, but also into other visas; others become permanent legal residents (with green cards); and still others fall into illegal status.

The management of the million or so foreign student population is indirect, fragmented, and lax, with both the educational establishment and the U.S. State Department playing stronger roles than SEVP; in that both seem more likely to look critically at applications than SEVP does.

The schools and universities are given by SEVP the (lightly-regulated) power to issue a piece of paper, the I-20 (signifying admission to a college), which the would-be foreign student can use to secure an F-1 (academic) or M-1 (vocational) visa from an American consulate, or, less often, an adjustment of status within the United States. There is no direct governmental screening of the I-20s within the United States; it is up to the consular or the USCIS officer to determine if the alien is eligible for the visa or adjustment. Nor is there any routine face-to-face contact between SEVP and foreign students after their arrival in the United States.

SEVP's role is to sort out who can issue the I-20s and who cannot, but, as we will see, this is usually a simple licensing of just about any institution that comes forward and asks. SEVP also maintains a massive database called the Student & Exchange Visitor Information System (SEVIS), which is supposed to provide a tracking system for foreign students and that occupies a great deal of SEVP resources. SEVIS may prove to be very valuable in the future, but that is speculation and is not the subject of this study.

The foreign-student management system, generally, does not have any of the useful migration-management tools found in other comparable or nearly comparable systems: there are no numerical limits, as there are with some other nonimmigrant programs in the United States; there are no special rules for students from countries producing more than their share of illegal aliens, as is the case with the Australian system; there is no State-side governmental review of the I-20s, as there is for similar documents in the various H nonimmigrant worker programs run by the U.S. Department of Labor; and there is only the lightest post-arrival review of what alien students are doing here, as opposed to comparable situations in New Zealand and the United Kingdom.

With this framework in mind, it may be useful to discuss briefly both the regulated educational institutions and their foreign student populations.

Educational Institutions

Most attending the SEVP-approved institutions are enrolled in bachelor's, master's, or PhD programs (some 69 percent); most of these institutions have been accredited by some accreditation agency, though a surprisingly large group have not; many of the entities that have been approved by SEVP are currently non-active in (or not reporting) current foreign student activity.

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As to the educational level of the foreign students, we have these data for early 2012:⁷

Level	Number of Active Foreign Students (thousands)
Bachelor's	274,000
Master's	210,000
Doctorate	122,000
Language Training (i.e., English)	103,000
Associate	78,000
Secondary and High School	42,000
Vocational	34,000
Primary	6,000
Flight Training	5,000

The largest three categories create the fewest problems, while the small language training and tiny flight training categories create the most and, to some extent, efforts have been made in both those areas.

These special efforts relate to a hole in the system large enough to allow the easy passage of the proverbial herd of elephants. There is nothing in the basic law requiring SEVP institutions, generally, to be accredited by an organization recognized by the U.S. Department of Education, and as a result, according to a very useful GAO report,⁸ some 1,250 of them are *not* accredited.

Bear in mind that accreditation agencies typically are not government agencies; they are bland associations of those entities to be accredited and they rarely penalize any but the most laggardly of entities. Despite that central fact, fully one-eighth of the institutions approved for the issuance of I-20s have no accreditation at all, a boon for the bottom dwellers.

It is within this unfortunate context that Congress has moved against the worst of the language and flight schools, the ones with no accreditation and only a "certification" by SEVP.

In December 2010 Congress⁹ decided that all language schools that did not have accreditation by an entity recognized by the U.S. Department of Education had to file for such approval by December 14, 2011; if they had, in fact, filed with an appropriate agency by that date they could continue issuing I-20s for another three years before the lack of such credentials would bring their admission of aliens to a stop. A truly relaxed schedule, but better than no accreditation provision at all.

Note that this mild and sensible provision was *not* extended to all institutions, just those teaching English.

As to the flight schools, they were, according to SEVP's own regulations, to be approved by the Federal Aviation Administration (FAA) as well as certified by SEVP, a highly sensible arrangement. Unfortunately, SEVP overlooked its own rule, and, as the recent GAO report¹⁰ noted:

We identified 434 SEVP-certified schools that, as of December 2011, offer flight training to foreign students. However, 167 (38 percent) of these flight training providers do not have FAA Part 141 or 142 certifications.

Regarding the bulk of the educational institutions certified by SEVP, one is hampered by the sketchy data issued by that agency on what it clearly regards as its client base.

We do know, however, that it really is not dealing with about 10,000 educational institutions, as is sometimes written, because this past spring there were 6,808 certified schools that had one or more foreign students and 3,082 that had none, at least at that time.¹¹

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We have also been given some information on the big users of the program (from the same source). There is a list of the top five F-1 users, headed by the City University of New York with 10,079 students; and there is a list of the top five institutions using both the F-1 and the M-1 visas. The latter is headed by Cornell with 4,068. Both of these short lists include nothing but large, non-profit institutions. If there are problems with these programs — as opposed to individual students dropping out — they have not yet become evident.

The *SEVP Quarterly Review* also has a more interesting listing of the “Top Five M-1 Approved Schools”:

School	Active Students
Bethel School of Supernatural Ministry	531
TransPac Aviation Academy	353
Orlando Flight Training	280
Florida Institute of Technology	271
Dean International, Inc. (a flight school)	237

The three flight schools are all FAA-approved, and the Florida Institute of Technology is a large, non-profit with only 13 percent of its students being from overseas,¹² so nothing — beyond the sheer size of the pilot training programs — is particularly interesting with those four, but Bethel is intriguing for several reasons.

Who knew that those studying for religious work, like those studying auto mechanics, flying, and hairstyling, were to be admitted with M-1 (vocational) visas? Also, the number 531 is surprising. The total enrollment in most theological seminaries — of both domestic and foreign students — is usually not that large. Further, Bethel School of Supernatural Ministry does not appear to be currently associated with a denomination; rather it relates to a single evangelical mega church, Bethel Church of Redding, Calif., which, in turn, does not seem to have a current denominational affiliation.¹³

The listing of the big users of the M-1 program reminds me of a trenchant observation in the previously cited, and generally quite useful, GAO report:

*Our analysis indicates that there are patterns in the noncompliant schools, such as the type of school. For example, of the 172 post-secondary institutions on SEVP’s December 2011 compliance case log, about 83 percent (or 142) offer language, religious, or flight studies, with language schools representing the highest proportion.*¹⁴

Unfortunately, GAO leaves the subject there, without further elaboration. The reader is not even told if the “highest proportion” means the portion of the 172 identified troubled institutions that teach English, or the portion of the language schools that are in trouble.

My own sense, from observing these matters for a couple of years, is that there is another “type of school” that is also more likely to be noncompliant than the average, and these are the for-profit entities. All visa mills, for instance, are in the for-profit category, as are, apparently, most of the language and flight-training schools, but this is a variable that both GAO and SEVP seem to ignore — or shy away from — in their printed materials. As a matter of fact, if one uses the find mechanism on a PDF version of the GAO report and searches for the word “profit”, nothing appears.

GAO, on the other hand, is to be commended for even mentioning the above-average compliance problems of the religious schools, as government agencies usually go to great lengths to avoid tangling with even the most obscure or questionable religious organizations. CIS has pointed out several times the extensive misuse of the R-1 nonimmigrant religious worker visa category.¹⁵

The Foreign Students

The arriving cohort of foreign students, in comparison to arriving immigrants and the population of illegal aliens, is both more Asian than, and less Hispanic than, either of the other two populations. Further, while both the arriving immigrants and the illegals are largely finished with their education, the arriving foreign students are still in the middle of their school years, and are destined to be much better educated than either of the other two populations. They are not, however, a trouble-free population.¹⁶

In terms of nation of origin, these limited data provided by SEVP (on those with F-1 and M-1 visas) are of interest. The top 10 nations by citizenship for F-1 and M-1 Students in April 2012 were:¹⁷

China	202,000
South Korea	107,000
India	96,000
Saudi Arabia	52,000
Canada	30,000
Japan	26,000
Taiwan	25,000
Vietnam	19,000
Mexico	17,000
Brazil	16,000

Students from Saudi Arabia, particularly, as well as those from Japan and Taiwan, are more likely to return to their home countries upon completion of their education than are students from some other countries.

SEVP deals with two different classes of foreign students, those in F and M, and those in J. With the F and M visa-holders, SEVP essentially licenses the institutions working with those two classes of visas, as well as keeping track of their activities in the SEVIS database. It also puts the Js into SEVIS, but the State Department takes care of the licensing of the exchange visitor programs.

In addition to the primary visa holders in each of the three categories, there are also smaller numbers of dependents, with F-2, J-2, and M-2 visas. F visas, incidentally, outnumber the newer M visas by a margin of about 48 to one. The populations followed by SEVP are as follows:¹⁸

F-1 and M-1	879,000
F-2 and M-2	85,000
J-1	173,000
J-2	52,000

That the dependent-ratio is higher among the Js than with the other two groups relates to the higher average age of the J population, many of whom have already completed advanced degrees. J-2s can work, while the other dependents cannot, though there is increasing pressure from some of the universities to allow at least some of the F-2s to work.

Much of the printed material on the SEVP program is promotional in nature. Many of the documents are headed with what sounds like an imperative: “Study in the States”.¹⁹ The implication of these documents, and the tone of the SEVP generally, is that the foreign students, as a group, are a total blessing to the United States.

Interestingly, the U.S. State Department, which is generally gung-ho for international relations, has a somewhat different take on those applying for student visas at its consular offices. I have never seen this commented upon before, but the Visa Office reports (if you read them with care) show that the second most difficult of all visa applicants it deals with are the would-be F-1 students. See Table 1. The most difficult group is the relatively small

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number of aliens who apply for the B-2 visa (tourism and medical care only) visa, as opposed to the much more common B-1/B-2 visa for people arriving with both tourism and business in mind, which is also a troublesome category.

The State Department officials, who actually talk with would-be foreign students, find that one out of six does not qualify for a visa, as the table shows. This suggests that the screening done by the SEVP-licensed institutions is not as careful as it might be.

Table 1. Foreign Students Are the Second Most Denied Group of Visa Applicants (Denial Rates by Consular Officials for Selected* Nonimmigrant Classes, FY 2011)

	Net Denial Rates	FY 2011 Issuances	Notes
The Most Troublesome Categories			
B-2 visas, tourist and medical care only	25.8%	84,352	World-wide except visa-waiver nations
F-1 students	18.5%	447,410	Mostly Third World
B-1 & B-2 tourist and business visitors	17.5%	4,349,087	World-wide except visa-waiver nations
Many Visa Classes in Between	1.9% to 17.4%		
The Least Troublesome Categories			
O-1, workers of extraordinary ability	1.8%	8,828	Tough visa requirements discourage many applicants
A-1, ranking diplomats	1.6%	10,448	
K-1 & K-2; U.S. citizen fiancé(e)s and their children	0.5%	28,160	Uncle Sam loves prospective marriages

Source: Data calculated from the [annual report of the Visa Office](#).

* Numerous visa classes with fewer than 8,000 issuances annually are excluded from this table. The Visa Office prints both a gross refusal number and a waived/overcome number for each category (as well as a total number of issuances). The latter was subtracted from the former to get the net denials used in calculating the percentages.

II. SEVP, a Sleepy Agency

An Overview

The Student and Exchange Visitor Program (SEVP) is a small to mid-sized (for Washington) government agency that could play a significant role in migration-management, but seems reluctant to do so.

Organizationally, it is a modest part of Immigration and Customs Enforcement (ICE), which, in turn is one of the three entities handling immigration for the U.S. Department of Homeland Security,²⁰ one of the truly massive parts of the federal government.

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SEVP is outside the mainstream of migration policy discussion; for example, one never hears about its work at immigration policy conferences. Further, it is physically removed from its parent agency, ICE; with the former being in Alexandria, Va., and the latter in Washington, D.C. SEVP people, as a result, don't wind up in the same cafeteria and parking lot with other ICE people and hence do not have the (generally useful) unstructured contacts that were so common when all (or most) of the components of the old Immigration and Naturalization Service (INS) were stuck in the same miserable building just north of DC's Chinatown.

I have also heard that much of the staff at SEVP is not happy being a sub-set of an enforcement agency; they would rather be in U.S. Citizenship and Immigration Services (USCIS), a benefits-granting agency, and, as I am about to show, the enforcement results of SEVP's activities tend to support that image.

Table 2. SEVP by the Numbers

Variable	Measure	Notes and Sources*
Un-obligated balance (i.e., surplus) 09/30/12	\$135,174,000	Source (A), p. 12
Requested budget authority (i.e., expenditures) FY 13	\$120,000,000	Source (A), p. 12
Aliens monitored, at least nominally, by SEVP	1,189,037	Includes those on F, M, and J visas, 04/02/12; source (B), p. 3
Educational institutions with one or more alien students	6,806	There are also 3,082 SEVP- approved schools with no alien students; source: (B), p. 5
I-17 Applications received, 12 months ending 2/2010	2,152	Source (D), pp. 3-4
Agency staff for FY 12, both civil servants and contractors, Dec. 2011	751	151 full-time civil servants plus about 600 full- and part-time contractors; source (C), p. 2
Flight Schools NOT authorized by FAA but approved by SEVP	167	As of December 2011; source (C), p. 30. This category is diminishing.
Total withdrawals of prior approvals by SEVP, 2003-2012	88	"At least 88" ; see source (C), p. 13; this is 9.8 per year
Conferences with regulated entities, annually	60+	Source (D), p. 1
Annual average appeals from SEVP denials by institutions, 5/07-10/11, or 4.4 years	24.8	The total number of denials is not known, only appeals from same; source: see end note 22
Institutions whose official have been indicted as a result of SEVP activities over period 3/08-9/12, or 4.5 years	10	Based on ICE/SEVP press releases; see Table 3 for list
Annual average of such institutions, over period 4/08-10/12, or 4.5 years	2.2	Based on ICE/SEVP press releases; see Table 3 for list

Sources: The key, except for SEVP press releases, follows: (A) Fiscal Year 2013 Budget Request, U.S. Department of Homeland Security, Immigration and Customs Enforcement, SEVP section; (B) Student and Exchange Visitor Information System; General Summary Quarterly Review, for the quarter ending March 31, 2012, SEVP, 04/02/2012; (C) GAO report cited in the text; (D) SEVP Newsletter: March 2010 Quarterly E-Newsletter, From the Director; SEVP, 04/05/2010.

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Finally, SEVP is — at least the enforcement function at SEVP — what might be called an “undocumented agency” as it publishes little about its activities, and because of the nature of its work (as opposed to say, the Border Patrol with its highly visible field actions), it gets little press attention. On a personal note, I had been doing immigration policy work for decades before I first heard of the agency.

A detective can pick up some clues about SEVP enforcement activities, however, from a handful of agency reports, budget documents, appeals decisions pried out of the agency in a Freedom of Information (FOIA) request, a few press releases, and from some outside commentators. Further, and quite independent of these sources, one can see how other immigration-management agencies in other English-speaking nations handle similar challenges.

An overview of data from some of these sources can be seen in Table 2.

The general impression one gets from these disparate numbers is that the agency has a substantial amount of money to oversee a substantial number of institutions and a huge number of foreign students, but rarely says no to the institutions and even more rarely (2.2 times a year on average) sees an indictment of a visa mill operator.

Or, as Senator Diane Feinstein (D-Calif.), who is no restrictionist, summed up at a Senate hearing on the program: “Process, process, process, and no action!”²¹

SEVP’s Reports on its Enforcement Work

In addition to its work with the Student and Exchange Visitor Information Service (SEVIS) data system — which is outside our purview — SEVP’s main task is to regulate what institutions can, and cannot, issue the I-20 forms that allow foreign students to apply for F and M Visas.

The prime regulatory document is a two-page application form, the I-17, which identifies the educational institution. There is also the I-17 A, which deals with the governmental contact officer at the institution; the designated school official (DOS); and the I-17 B, which deals with multi-campus operations. This is now an on-line application process involving a fee of \$1,700 for an organization either seeking a new certification or for making changes in the old one; there is also a \$655 site visit fee for each campus listed on the application. These are one-off fees; once certified, an institution does not pay again unless it wants to change something basic in its operation.

There are three fundamental questions at this point: How often are these forms filed? What decisions are made about them? And to what extent are earlier approvals subsequently withdrawn (for cause)?

Were there either annual reports from SEVP or from the mother agency, ICE, as there have not been in recent years, one would probably see some information on those matters, but no such reports are forthcoming. Typically, as with many other DHS agencies, there is some information on the number of applications made, but little on initial denials or subsequent revocations.

We have the number of I-17 applications filed for a single 12-month period (3/09 to 2/10), which can be found in one of the agency’s now-and-again quarterly reports.²² During that period there were 1,631 “I-17 petition updates received” and 521 initial I-17 applications, for a year-long total of 2,152. We are not told the fate of those applications, but I think we can assume that the overwhelming majority were approved (in the DHS tradition).

There is one indirect indicator of the number and character of the denials, and that is the number of appeals *from I-17 denials* that have been made to an in-house appeals agency, the SEVP Appeals Team,²³ which has been given the nice, academic initials of SAT. A collection of 500 pages of the partially redacted decisions of this entity became public because of an FOIA request.²⁴ The appeals decisions were handed down between May 2007 and October 2011.

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There were 109 decisions in the 4.4-year period, or 24.8 decisions a year (as noted in Table 2). Assuming that there were either two or three denials for every appeal, that would put the basic average denial number in those years at about 50 to 75 a year; either number (50 or 75) is a tiny fraction of the 2,152 applications filed in the '09-'10 period.

The third question of those asked above was how many institutions, outside the application process, have lost their power to issue the 1-20s? All we have on this variable is the GAO's statement that "ICE reported that it has withdrawn at least 88 of these schools since 2003 for noncompliance issues."²⁵

Let's define the period covered by GAO — generously — as January 1, 2004, to December 30, 2011, or eight years, so that's an average of 11 (at least) noncompliance decisions a year during that period, or about one-tenth of one percent (0.1 percent) per year if compared to a population of 10,000 institutions, or 0.16 percent a year compared to a population of 6,800 institutions (those with one or more foreign students.)

All of these tiny numbers suggest either that all is 99.9 percent well in these varied educational institutions, or else that SEVP is a highly tolerant, sleepy organization.

Insights from the Appeals Decisions

As noted in a CIS blog on the SEVP appeals process,²⁶ we examined a sample of 24 of the 109 SAT decisions and found that in only three of the sampled cases did the appeals tribunal rule in favor of the applicant; in other words, the (nameless) appeals judges agreed with the staff determinations in 88 percent of the cases. On their face the SAT decisions appeared to be careful and detailed, with a few running to as many as 10 pages.

Reading the texts of the decisions one soon sees that these are reviews of the paper presented to the staff, not ratings of the educational programs offered by the institutions. There is no suggestion of site visits in which the quality of lectures was weighed, the appropriateness of the curriculum examined, the level of attendance by the foreign students reviewed, or anything of the kind.

The staff decisions were on such basic variables as: not filing certified financial statements (as required), failing to list the qualifications of the teachers and their salaries, filing conflicting information on the ownership of the institutions in different documents, and failing (in the case of the unaccredited ones) to provide adequate proof that at least three of their graduates were employed in the field for which they had been trained.²⁷ Other negative decisions were based on missed appeal deadlines and applicant withdrawals.

The appeals seemed to come from small entities, some with intriguing names (e.g., Big Sioux Aviation, James Albert School of Cosmetology²⁸), and many did not use lawyers in the process.

In short, the denied cases seem to come from the very bottom of the barrel, the lower part of the lowest 1 percent, again suggesting a non-assertive review process by SEVP.

Once in a While a Visa Mill Bites the Dust

If an already certified educational institution appears to be in violation of the law, two things can happen: the power to issue the 1-20 can be revoked by unilateral SEVP action or, in extreme circumstances one or more officers of the offending institution can be indicted in federal court for violating the immigration law. The latter outcome depends on the cooperation of a U.S. attorney, and a positive vote by a federal grand jury. Neither of these things happens very often.

If one goes to the SEVP webpage²⁹ and its list of press releases³⁰ one sees that the agency has taken — or undone — corrective actions of some kind with four institutions in a little over a year (since October 6, 2011).

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Herguan University, California. This for-profit located in Sunnyvale, Calif., was raided by ICE operatives this past summer, and as *University World News*, a London-based Internet publication, wrote:

On 4 August [2012], U.S. Immigration and Customs Enforcement (ICE) issued a notice of intent to withdraw accreditation to Herguan University, where Indians comprise 94 percent of the 450 students enrolled.

Herguan stands accused of acting almost as a “visa mill” for foreign students wanting to go to the United States, in some cases using forged documents to back up visa applications. Herguan’s chief executive Jerry Wang (32) was arrested and charged with 15 counts of visa fraud.³¹

“Withdrawing accreditation” means, in this case, a 30-day notice proposing revocation of the I-20 power. After those days had passed, and more, the agency revoked the right to issue the form; only to reverse itself a day later when it found that Herguan’s lawyer had (belatedly) appealed the decision, but had sent the appeal to the wrong address. So the agency restored Herguan’s authority to bring in more paying students — at least for the time being — because of its lawyers’ incompetence and despite the fact that the institution’s owner and president was on trial for violating the immigration law.

I understand SEVP’s concern for the F-1 students allegedly studying at the institution, who would have to leave the country or find another school were their visas to be cancelled, but why not leave those students’ visas in place and simply *suspend* the privilege of bringing in new students until SEVP can make up its mind on the I-20s? Mr. Wang, in the meantime, reflecting on someone’s judgment regarding his linguistic abilities, was for a while assigned an interpreter at the federal trial.³²

Score: no continuing revocation of the I-20 authority, at least not yet, but a federal indictment.

University of Northern Virginia. UNV is a for-profit entity with these distinctions:

- It was raided by ICE on July 28, 2011, for suspected violations of the immigration law.
- Its owner also owns three Chinese grocery stores.
- Its board chairman is also the contact person for the “accrediting organization” that accredits UNV, and is the owner/operator of an auto repair shop.
- Its former chancellor, David Lee, resigned after much coverage of his sexual activities in the tabloid press.³³

SEVP’s May 30, 2012, press release on this institution³⁴ assured UNV students that the school was still in operation, though some months earlier its power to issue the I-20 had been briefly suspended.³⁵

Score: A brief suspension of I-20 powers and no other action.

PC Tech Learning, New Jersey. This small for-profit entity ran one or more “schools”, forged documents, and manipulated the F-1 visa system for fees. The indictment indicates that the conspirators created a phony paper trail for some Jamaicans illegally in the United States, flew the “students” and the documents back to Jamaica, and then sought to bring them back to the States with F-1 visas two days later. The system also operated under various names, such as American Health and Technology Institute and Vision Career Consultants. The owner, Dhirenkumar Parikh, several employees, and several “students” were among the nine indicted.³⁶

Score: All three institutions apparently lost their I-20 authority, and nine indictments resulted (but this is a small-scale activity compared to the two others discussed above).

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ESRA Film School, New York. This one has a different feel than the other three, and it is not clear what the problem is or was. Ecole Supérieure de Réalisation Audiovisuelle is a 40-year-old French institution, which rates a long article in Wikipedia; its five-year-old New York City activities are linked with The New School, which does have an SEVP listing, and whose president until recently was former U.S. Senator Bob Kerrey (D-Neb.). Apparently the practice had been for ESRA students to secure their visas through another SEVP-listed entity, TCS International. That practice is apparently no longer acceptable, though that is not so stated. The SEVP press release says that ESRA students must now either register with TCS International, apparently as students there; sign up with another SEVP-certified school; or leave the country. Maybe ESRA was a bit casual about all this. It is not on the SEVP-certified list.

Score: One revocation of the I-20 power (that of TCS International for ESRA students), no indictments.

So, in terms of the publicized law enforcement activities of SEVP — and maybe all of its enforcement activities — *for an entire year* we have two sets of indictments, and three instances of the denial of I-20 issuance powers. Quite an achievement for an agency with a staff of 750 and an annual appropriation of \$120 million!

A Longer-Term Look at SEVP-Assisted Indictments

Our efforts to obtain an interview with SEVP's director and to get its press person to react to our questions have not met success, so we are left with the perhaps questionable assumption that SEVP's only successful law enforcement operations are those that result in an ICE press release. Given what else we know about SEVP, I think that the prior statement is probably correct, but I would be happy to print a correction if one is appropriate. (When SEVP takes a negative move regarding an institution, as it did with Herguan and ERSA, both its Internet home page and its SEVIS phone service are full of announcements telling the students what to do.)

With the above premise in mind, let's look at a longer time period and see what SEVP's press operation reported from April 9, 2008,³⁷ through September 30, 2012, a period of just under four and a half years. I did a search operation of the ICE home page³⁸ on October 13, 2012, entering both "SEVP Press" and "SEVIS Press", read each of the hundred or so articles presented, and found that in this period most of the press releases dealt with other matters, but that in 10 cases they dealt with investigations that had resulted in federal indictments. These are summarized in Table 3 (p. 12).

The 2012 experiences of two of the institutions, Herguan University and PC Tech Learning, have been described above.

As for the earlier eight, these 2008-2011 indictments include seven (like Herguan and PC Tech Learning) involving for-profit entities, and one indictment³⁹ of an individual international student adviser at the University of North Carolina at Charlotte; he apparently took no money for the falsification of student records, was fired by the university, and pled guilty to the charges. Whether SEVP had much to do with uncovering this matter cannot be determined.

The other seven institutions implicated in the indictments included four language schools, a flight school, a religious organization (California Union University) whose owner was jailed by the judge,⁴⁰ and most prominent of all, Tri-Valley University in Pleasanton, in California's Bay Area. (Six of the 10 institutions listed in Table 3 are in California.)

Tri-Valley was probably the most outrageous visa mill closed by ICE in years. The following is a quote from a detailed news story, "Universities or Visa Mills", by Lisa Krieger of San Jose's *Mercury News*⁴¹ on July 16, 2011:

Tri-Valley demonstrates the riches that can be made from turning a school into a visa mill. When federal agents finally caught on, they discovered that the unaccredited school had been paid millions of dollars by foreigners to obtain student visas that authorize them to remain in the United States — a scheme whose growth was fueled by a profit-sharing system that gave students who referred newcomers from abroad a 20 percent cut of the tuition, according to court records.

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Something else authorities found suspicious: More than 550 students enrolled in the Alameda County university were registered as living at the same address: a two-bedroom apartment on El Camino Real in Sunnyvale.

Few of the “students” actually attended classes, although there were a few classrooms on the “campus”. Tri-Valley’s enrollment of F-1 students had soared because of highly successful “recruiting” from 11 in May 2009 to 939 12 months later.⁴²

In this case, SEVP/ICE did something unusual: It not only turned over the evidence to the U.S. Attorney, who proceeded to indict owner/president Susan Su, but it also terminated Tri-Valley’s power to issue the I-20, *and* revoked the right of Tri-Valley’s students (most of whom were from India) to stay legally in the United States, unless they quickly enrolled in another SEVP-certified institution. Some of those students were equipped with electronic ankle bracelets so that ICE could keep track of them.

That last action set off a flurry of criticism in the Indian press, which follows such matters rather more closely than American media, with the publications often seeing the lawbreakers as students with civil rights problems rather than as not-so-innocent manipulators of America’s immigration system.⁴³

Table 3. Institutions Whose Officials Were Indicted Because of SEVP, 2008-2012

Educational Institution*	Date of SEVP/ ICE Press Release	Notes
Herguan University and University of East-West Medicine, CA	August 2, 2012	I-20 authority under review in fall of 2012, briefly suspended earlier
American Health and Technology Institute & Vision Career Consultants, two NJ locations	June 5, 2012	Some students detained at the time; both schools delisted
University of North Carolina at Charlotte (low-level staffer indicted)	July 20, 2011	I-20 authority apparently never under review
San Diego International Academy of English & Southern States University, CA	June 17, 2011	Both institutions still listed on SEVIS with I-20 authority; trial continues for defendants
California Union University, CA	June 13, 2011	Owner jailed by federal judge, delisted
Tri-Valley University, CA	May 2, 2011	Closed by ICE; some “students” had to wear ankle bracelets drawing protests from New Delhi
Anglo American Aviation, Inc., CA	May 21, 2010	School lacked FAA approval; delisted
Florida Language Institute	March 4, 2010	Unusually, 80 students were detained; delisted
Humana Language Center, GA	April 21, 2009	Delisted
Concord English Center & International College for English Studies, CA	April 9, 2008	Some “students” were Russian prostitutes; both schools delisted

Sources: SEVP/ICE press releases.

* With the single exception of UNC, Charlotte, the indictments were of the owner/manager of for-profit institutions and sometimes an associated staff member. Delisted means the institution was no longer on the SEVIS roll of approved schools under the name shown on this table on November 1, 2012. It is not known if the institution is operating under another name.

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I have seen no comments to this effect, but the predominance of a single nation's "students" in individual visa mills often occurs. In the cases of Herguan, University of Northern Virginia, and Tri-Valley the owners were Chinese and those enrolled were primarily from India. At California Union University, both the jailed owner and most of the students were from South Korea. Recruiting within a single nation is probably easier, safer, and more cost-effective than a wider approach for these institutions. It would be interesting to see indications, in print and over the Internet, of these recruiting operations in the home countries.

In my trawl through the SEVP/ICE press releases I found only one indication of an effort to locate and deport any foreign ex-students (other than those directly identified with a specific visa mill.) The release's headline is either confusing or misleading, as it says: "ICE arrests 27 during Dallas student-visa enforcement operation".⁴⁴

On closer reading it turns out that 12 of the 27 had overstayed visitors' visas, not student ones, and, according to the release: "One of those arrested was a flight student who failed to attend his flight school ... nine overstayed or violated the terms of their student visas. One exchange student [J-1] who overstayed his visa was also arrested."

No details were provided.

So, in this action 10 or 11 (it depends on whether the non-pilot is in addition to, or part of, the nine) foreign students were rounded up and sent home. Again, ICE may have been doing more of this than advertised, but considering the dozens of press releases that ICE publishes each week, week after week, this lonely account of 10 or 11 students arrested remains pretty isolated.

A Handful of Reviews by Outsiders

One of the reasons that SEVP remains a sleepy little agency is that few outsiders have paid much attention to it. Other than an odd newspaper story or two (and CIS's own reports), we found these four entities paying on-the-record attention to the agency: the 9/11 Commission, the Government Accountability Office, the U.S. Senate immigration subcommittee, and one pro-international student organization, NAFSA.

The 9/11 Commission. After the all-too-successful attacks on the World Trade Center and the Pentagon, President George W. Bush appointed a distinguished, bi-partisan commission to examine what had happened and how such attacks could be prevented in the future.

Bearing in mind that all four of the 9/11 terrorist pilots had attended American flight schools, and that two of them had used foreign student visas, the "9/11 and Terrorist Travel" staff report of the 9/11 Commission paid careful attention to efforts to build systems to "monitor foreign student compliance".⁴⁵ It tells how, through the 1980s and 1990s, efforts were made to use current and emerging technologies to create a "true compliance mechanism for both students and schools" and how "the higher education community vigorously [and successfully] resisted the system."

"Thus," this part of the report concludes, "when the September 11 hijackers began entering the United States in 2000 to attend flight school, there was no student tracking system available. If there had been, immigration authorities might well have been alerted to the fact that Mohamed Atta, the plan's ringleader, had made false statements about his student status and therefore could have been denied entry into the United States."

The GAO Report. Senators Dianne Feinstein (D-Calif.), Charles Grassley (R-Iowa), Claire McCaskill (D-Mo.), and Charles Schumer (D-N.Y.), all but McCaskill members of the Senate immigration subcommittee, asked the Government Accountability Office (GAO), as Sen. Schumer said, to "determine whether we are doing a good enough job to stop sham schools".⁴⁶

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That previously cited⁴⁷ study is probably the most comprehensive outside review of SEVP's operations in the agency's history. While written in the usual, highly careful, subdued-grey prose typical of GAO, and while presumably not reporting a great deal of interesting data that GAO must have uncovered, the document is a damning one.

Sen. Schumer summarized it as follows:

What GAO found was very troubling. GAO found that ICE had not implemented fraud prevention practices to verify the legitimacy and eligibility of schools giving out student visas, both during their initial certification and after these schools began accepting foreign students.

Sen. Schumer, chairman of the immigration subcommittee, is no restrictionist, and if he finds part of the immigration-management system to be too lax, that says a great deal.

GAO's own summary of its finding include these statements:

ICE has not developed a process to identify and analyze risks since assuming responsibility for . . . SEVP . . . Without a process to analyze risks, it will be difficult for ICE to provide reasonable assurance that it is addressing high-risk vulnerabilities and minimizing noncompliance.

ICE has not consistently implemented existing controls, in accordance with internal control standards and fraud prevention practices, to verify schools' legitimacy and eligibility during initial SEVP certification and once schools begin accepting foreign students. Specifically, ICE officials do not consistently verify certain evidence initially submitted by schools in lieu of accreditation. In addition, ICE does not maintain records to document SEVP-certified schools' ongoing compliance. GAO found that 30 of a randomly-selected sample of 48 SEVP-certified school case files lacked at least one piece of required evidence, such as proof of school officials' citizenship or permanent residency.

The reference to "evidence initially submitted by schools in lieu of accreditation" relates to the non-enforcement of a feeble requirement imposed on the non-accredited schools. Such schools, which are at the very bottom of the educational pecking order, and are often for-profits, are supposed to provide three letters from recognized educational institutions that they accept the utility of the education provided to graduates of the unaccredited ones seeking SEVP certification. These letters are sometimes lacking and sometimes forged.

The GAO report, which we have often quoted throughout this report, is a must-read for those interested in foreign students and the institutions that facilitate their admission to the United States.

The Senate Hearing. Once the GAO report was finished, the Senate immigration subcommittee held a hearing on it on July 24, 2012, to give additional attention to the report and to allow the senators a chance to press the administration for real action.⁴⁸

Unusually, it was not a time for political posturing or for the advancement of various partisan arguments; three senators were present — Schumer, the chair, and Feinstein, both Democrats, and Grassley, the ranking Republican on the Senate Judiciary Committee. All three agreed, without nuances, that the GAO report was right on target and that SEVP was doing a terrible job.

In his opening remarks, Sen. Grassley said:

Unfortunately, while SEVIS is up and running today, it is still antiquated and the federal government remains incapable of ensuring that those who enter the country are students that are truly attending our educational institutions . . .

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There's evidence that sham universities are taking advantage of the dysfunctional student visa program. The 2011 Tri-Valley University incident is the most serious fraud case to date. The school reported that they'd bring in less than 100 students but had actually brought in over 1,500. Tri-Valley officials were caught giving F-1 visas to undercover agents, posing as foreign nationals who explicitly professed no intention of attending classes. Students paid \$5,400 per semester in tuition to the school to obtain those student visas until the school was shut down.⁴⁹

The administration chose not to send the logical official to testify at the hearing: ICE Director John Morton, a political appointee. Instead, they sent an ICE assistant director, John Woods, presumably a career civil servant, who has SEVP among his responsibilities. He handled an awkward situation awkwardly and kept telling the committee that SEVP was in the process of improving its procedures for the various things the senators were (understandably) unhappy about.

It was at one point in this hearing that Sen. Feinstein said to him “Process, process, process, and no action!” with the other senators nodding their heads in agreement.

A little earlier in the hearing, when the subject was the continuing problem of flight schools certified by SEVP but not yet approved by FAA, the chair heard what he appeared to regard as good news, but was let down, as one can see in the following dialogue:

Mr. Woods: Yes. And we are working with the FAA on the remaining schools to determine a time frame on which they can re-obtain their —

Chairman Schumer: So you have closed any new ones? Have you closed —

Mr. Woods: At this point 32 schools have been closed.

Chairman Schumer: You closed them or you said 30 closed.

Mr. Woods: They are closed and out of business. But we did not close them, no.

Chairman Schumer: So what is taking so long? That is my question.

Mr. Woods. We are working with the schools to make sure that they update their FAA certifications so they can continue to bring in students if they wish to And the FAA process is a time-consuming process.

The phrase “so they can continue to bring in students if they wish to” is emblematic of SEVP’s apparent priorities: to make life as convenient as possible for the entities it regulates.

The four senators who asked for the GAO report (Feinstein, Grassley, McCaskill, and Schumer) and Jeff Sessions (R-Ala.) have introduced S 3527, which will tighten the SEVP system and will ultimately require all SEVP-certified schools to be accredited. A somewhat similar bill has been passed in the House (HR 3120).

If the reader is really interested in the subject, the Senate hearing, a rather short one as these things go, can be seen online.⁵⁰

NAFSA’s Comments. Forget, for a moment, about what law-enforcement types, U.S. Senators, and restrictionists may say about SEVP; here’s a comment about the agency by the Executive Director and CEO of one of the most pro-foreign student organizations in the entire nation, the Association of International Educators (NAFSA). This is the trade association / lobby that was formerly named the National Association of Foreign Student Advisors (an entity that must have rejected its old name as politically incorrect, but felt it had to retain the familiar initials):

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The issue of SEVP certification of schools has come into question in the wake of the widely-reported and deeply troubling case involving Tri-Valley University (TVU). ... News reports have indicated that TVU provided fraudulent letters to fulfill the requirement that three accredited institutions accept credits transferred from TVU, one of the aforementioned requirements under the SEVP certification process.

It is essential that the certification process be rigorous to maintain the integrity of the SEVIS system. Crucial to the reliability of the system is the requirement that non-accredited schools and schools with accreditation not recognized by the Department of Education provide additional proof of their mission and viability. It is thus imperative that SEVP check the proof that is provided to root out fraudulent claims. Though incidents of fraud may be very rare, the impact to international education of one criminal actor could easily be quite dire.⁵¹

This is a letter to SEVP Director Louis Farrell sent by Marlene Johnson of the association on March 4, 2011. My sense is that is roughly parallel to a letter from the Chamber of Commerce to the U.S. Secretary of Labor, urging a more vigorous enforcement of the minimum wage.

It is, in short, a truly remarkable rebuke from an unlikely source.

How Other Nations Handle Similar Challenges. The United States is not the only country offering education to Third World students, and it not the only one in which abusive “educators” try to manipulate the immigration system to sell education-related visas to aliens seeking to migrate. Three of the countries where this is also true are Australia, New Zealand, and the United Kingdom. My sense, from reading news articles gathered by the CIS news service from around the world, is that these three countries — facing the same challenges as SEVP — are much more vigorous in enforcement than the ICE agency is.

Without examining this variable in depth, I think it useful to look at three fairly recent news articles, about the enforcement levels in these three countries.

- “Immigration Crackdown: over 10,000 student visas revoked”, *The Melbourne Age* (Australia), October 6, 2012;⁵²
- “500 bogus colleges close in UK in 18 months”, *The Economic Times* (English-language publication in India), October 24, 2012;⁵³
- “Poor marks for troubled foreign student schools”, *The New Zealand Herald*, February 18, 2012.⁵⁴

The story in the *Herald*, New Zealand’s largest newspaper, reports:

Last October deputy chief executive (quality assurance) Tim Fowler told the Weekend Herald that NZQA had closed down 16 private training establishments (PTEs) in the last two years and had a further 26 under investigation.

It was also considering the introduction of tougher English language tests after noticing an increase in multiple problems at some schools, including poor English levels and pass marks given for substandard work.

The NZQA is the New Zealand Qualifications Authority. Note that it is examining such fine points of foreign student involvement as their skills with English and the standards set for their academic work, variables not known to be examined by SEVP.

When thinking about 10,000 students in Australia, 500 bogus colleges in the United Kingdom, and 16 in New Zealand, one should bear in mind that the population of the United States is about 15 times that of Australia, five times that of the United Kingdom, and 74 times that of New Zealand. If ICE were as vigorous as Australia’s agency, for example, in its law

enforcement, we would be seeing news articles about 150,000 foreign students losing their visas — headlines unknown in the United States.

III. The Strange Finances of SEVP

SEVP has an unusual financial base, one that should make it the sturdy, prosperous, dedicated enforcer of the immigration law — which it is not.

Perhaps unlike any other agency in the U.S. government it is 99 percent funded by people who are *not in the country*. The funders are not only *not* taxpayers, and *not* voters, they are *not* even residents of the United States; what population could be less powerful to seek a lower appropriation? It reminds one of the late Senator Russell Long (D-La.), chair of the Senate Finance Committee for many years, and his tongue-in-cheek advice on the politics of tax policy:

*Don't tax you;
Don't tax me;
Tax that fellow
Behind the tree!*

The fee structure that provides SEVP with all of its funds is shown in Table 4. Every foreign student coming to the United States for the first time has to chip in \$200, and this money goes directly to fund SEVP activities. According to one SEVP publication,⁵⁵ these student fees supports 99 percent of the SEVP budget, with the other 1 percent coming from educational institutions that are new to SEVP, or that want to change their offerings and need SEVP approval for the proposed changes.

These fees have produced more than \$100 million a year in each of the last four fiscal years, and as the foreign student population grows so do these revenues.

In contrast, USCIS, the big DHS agency that grants immigration benefits, is largely funded by fees that are paid by U.S. residents — corporations wanting to hire foreign workers, and individuals who want to bring their relatives into the States. This funding source has a lot more influence with the Congress than the SEVP's funders.

Table 4. SEVP Funding Sources Are 99% from Non-U.S. Residents (U.S. dollars)

Funding Source	Fee	Notes
F-1 and M-1 students, as they apply for a visa	\$200	Most of the SEVP funding is from this source
Three subclasses of J-1s (summer work/travel, camp counselors, and au pairs), as they apply	\$35	Much of this specific funding is transferred to State by DHS for program regulation by State
Other J-1s, as they apply	\$180	Most of these aliens are academics of one kind or another
New schools seeking initial SEVP certification	\$1,700	Established U.S. colleges and universities do not pay this fee
Site visit fee for the above	\$655	Ditto; the last two listed fees provide no more than 1% of the total SEVP funding

Sources: Most of the dollar figures are from the GAO report cited in the text; the J-1 data are from the ICE [i901 website](#). All these fees are one-off payments.

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How are financial arrangements made in these situations? It is a two-part formula with the two elements of the system operating with little contact with each other. (The whole process may well be written about somewhere, but what follows is based on my own long-term observation on how it works.)

One segment is the appropriations process. The agency must convince its political leadership that it needs X amount of money to operate; this is then built into the president’s budget, and is sent to Capital Hill. But once the request reaches the appropriations committees, and the committees find that the entire funding comes from fees, they usually lose interest, and the sums are quickly approved. This is particularly the case if the source of the fees is politically powerless, as in this case.

The other part of the process is the setting of the fees; this is not part of the appropriations process. It is something that the agency does on its own, following a prescribed rite of calculations and public announcements in the *Federal Register*. If it has substantial expenditures and its reserves from prior years’ fees look as if they are in danger of falling below a safe point, the agency raises its fees.

It is all a little like a regulated monopoly public utility, such as a power company. If the utility spends a lot of money cutting back tree limbs looming over power lines it records its expenditures and argues later that the basic rates for power should be raised — and usually they are. If the power company lets the trees grow unchecked — and they tempt Mother Nature during the next big storm — the fees are not raised. (And there may be severe power outages.)

SEVP has, for years, operated like the electric company that refuses to spend money on crews cutting the looming limbs over the power lines.

As Table 5 shows, in fiscal years, 2006 through 2012, the agency has taken in more in fees than it has spent and, at the end of that period, wound up with a huge operating surplus of \$135.2 million dollars, more money than it needs to run for a full year.

How has SEVP managed that? Simply by not doing its job of enforcing the immigration law, which, or course, is in harmony with the Obama administration’s inclinations toward the subject. For example, Congress has told SEVP to recertify all of its institutions every two years; as of March 2012, it had done this with only 19 percent of them, according to the GAO report.⁵⁶ (A glance at Table 5 shows larger surpluses in the Obama years than in the Bush years, but they existed in both.)

Finances / Fiscal Years	2006	2007	2008	2009	2010	2011	2012
Fees Received	52.9	57.9	63.3	101.0	113.2	122.7	126.9*
Expenditures	45.8	44.7	63.0	81.0	72.9	95.6	120.0*
Apparent Surplus for Year	7.1	13.2	0.3	20.0	40.3	27.1	6.9*
Cash Balance at End of Year	n.a.	40.0	n.a.	n.a.	105.0	132.2	135.2*

Sources: Data in light face are either from, or calculated from, the GAO report cited in the text. Data in bold are from p. 12 of the SEVP portion of the Fiscal Year 2013 Budget Request of the U.S. Department of Homeland Security.

* Estimated.

Note: These are “no-year” funds in that they do not have to be spent in a given period of time.

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An agency that does not spend money on mandated activities does not get to seek more fees to meet its needs, so SEVP is in no position to raise its fees to do what it should do. Only if SEVP spent down its surplus, by enforcing the immigration law, would it be in a position to raise its own fees, but its political masters apparently do not want that to happen.

Unfortunately, in the otherwise highly commendable Senate hearing on the agency, neither GAO nor the three senators, raised the question of SEVP, in effect, denying itself more funding.

SEVP is not the little engine that could. Is the little engine that will not, and therefore cannot, do its duty.

End Notes

¹ See [“He would have killed”](#), *New York Daily News*, October 18, 2012. Quazi Mohamad Rezwanul Ahsan Nafis is the one who wanted to blow up the Federal Reserve Bank in downtown Manhattan.

² See [“Who is Faisal Shahzad? After a dramatic airport arrest, authorities are interrogating a Pakistani-born U.S. citizen in the Times Square bomb case. Who is he?”](#), *The Week*, May 5, 2010.

³ See *9/11 and Terrorist Travel: Staff Report of the National Commission on Terrorist Attacks Upon the United States*, the National Commission, Washington, DC, 2004, pp. 8-11 and other pages. (Hereafter *Staff Report 9/11 Commission*.)

⁴ See, for example, the dialogue between John Woods, ICE Assistant Director for National Security Investigations, who 11 years earlier spoke about the SEVP Program, and Senator Charles Schumer (D-N.Y.), chair of the Senate Immigration Subcommittee, at the [July 24, 2012, hearing of the subcommittee, particularly in minutes 50-60 of the session](#). The committee print on the hearing is not available at this time, but see the official hearing notice, [“Strengthening the Integrity of the Student Visa System by Preventing and Detecting Sham Educational Institutions”](#), July 24, 2012. For the CIS report on the session, see my blog [“‘Process, Process, Process, but No Action’ Sen. Feinstein Fumes at Hearing”](#).

⁵ As of April 2, 2012, SEVP counted 1,189,037 “records [of] active nonimmigrant students, exchange visitors, and their dependents”. [“Student and Exchange Visitor Information System: General Summary Quarterly Review for the Quarter Ending March 31, 2012”](#), SEVP, April 2, 2012, p. 3. (Hereafter, *Quarterly Review*.)

The number (1,189,037), which I think is a bit high for the population on that date, assumes that *all* drop-outs and push-outs in all the thousands of educational institutions working with foreign students have been recorded with SEVP, which strikes me as unlikely.

On the other hand, taking the count in April all but eliminates the 100,000 or so of the J-1s who come to the United States in the Summer Work Travel program, a subset of the J-1 program, whose multiple problems and abuses have been described by my CIS colleague, Jerry Kammer in such publications as [“Cheap Labor as Culture Exchange: The \\$100 Million Summer Work Travel Industry”](#).

⁶ [“Student & Exchange Visitor Program \(SEVP\): ICE Homeland Investigations; Update for the Washington International Education Conference”](#), p 2, SEVP, January 24, 2011, p.2.

⁷ *Ibid.*, p. 8.

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⁸ [“Student and Exchange Visitor Program: DHS Needs to Assess Risk and Strengthen Oversight Functions”](#), GAO–12-572, Government Accountability Office, June 2012, p. 22. (Hereafter, *GAO Report*.)

⁹ See [Act of December 14, 2010, Pub. L No. 111-306, 124 Stat. 3280](#).

¹⁰ *GAO Report*, *op.cit.*, p. 30.

¹¹ See *Quarterly Review*, *op. cit.*, p. 5.

¹² See the Wikipedia entry on the [Florida Institute of Technology](#).

¹³ For more on the Bethel School of Supernatural Ministry, see its own [website](#). And for a cheerfully independent review thereof, written by a Presbyterian minister, see [“Hogwarts for Christians”](#). The annual tuition, according to the school’s website is a modest \$4,200 a year.

Speaking of money, M-1 students (and F-1 students) are supposed to bring sufficient funds with them to get through the school year without working, although permission for work can be obtained later, if need be, from the sponsoring school. In the case of Bethel, however, according to its own website, part-time employment of the students is the norm:

The school is designed to equip students to live a supernatural lifestyle, not just minister in the gifts of the Spirit. They are encouraged to be naturally supernatural by bringing heaven to earth wherever they go. Therefore BSSM [Bethel] by design, does not have dorms. Instead we encourage students to live in the outreach neighborhoods and get jobs in the local area so that they can practice bringing Jesus to the market place as a part of their learning experience. Most of our students work part-time jobs while they attend school. (Emphasis added.)

If SEVP has investigated this matter, as it relates to the 531 M-1 students, they have not announced it.

¹⁴ *GAO Report*, *op. cit.*, p. 14.

¹⁵ See, for instance, my blog [“What Do You Do With a Visa Program with a Fraud Rate of 30-33%”](#), February 4, 2010.

¹⁶ To a large extent I identify with foreign students in the nonprofit institutions; I was one myself, some decades ago, as a Fulbright in New Zealand, but I must say that I was totally supported by the sending nation (US) and went home at the conclusion of my term, which cannot be said for many of the foreign grad students in the US. I also founded, years ago, manage, and help staff (as a volunteer) an income tax assistance programs for graduate students at a major DC-area university; most of those using our services are from overseas, and such filings are frequently quite complex, and made more so by the tax treaties.

¹⁷ *Quarterly Review*, *op.cit.*, p.6.

¹⁸ *Quarterly Review*, *op.cit.*, p. 3.

¹⁹ See, for instance the DHS website [“Study in the States”](#), an informational source on how foreign students can attend U.S. universities. One of the intriguing and subliminal features of this webpage is a set of background shots (done by skilled photographers) of really attractive college campuses, such as Tufts as the leaves are turning in the fall and the Rotunda at the University of Virginia. There are 24 such full-color photos, including three of a not very famous, but well-connected, institution, the Coast Guard Academy, in New London, Conn.. The director of SEVP is a retired Coast Guard Captain, Louis Farrell.

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²⁰ The other two major operating units being Customs and Border Protection (CBP), which includes the ports of entry and the Border Patrol, and United States Citizenship and Immigration Services (USCIS), the benefits-granting agency. Also in DHS, and separate from the other three, is the Office of Immigration Statistics, which, to the best of my knowledge, publishes no SEVP-based statistics.

²¹ See end note 4.

²² *SEVP Newsletter: March 2010 Quarterly E-Newsletter*, April 2010, SEVP, pp 4-5.

²³ For more on this entity, see my CIS blog [“Appeals Body for Would-Be Educators of Foreign Students”](#), July 30, 2012.

²⁴ I am grateful to immigration consultant Joe Whalen for placing [these documents](#) on the Internet.

²⁵ *GAO Report*, *op. cit.*, p 13.

²⁶ See end note 23.

²⁷ I cannot put my finger on the source, but I recall hearing that one SEVP denial was based on the fact that, despite more than one inquiry, the school would not reveal the name of the president of the institution.

²⁸ Also Columbia College and Yale Academy, neither entity relating to their apparent namesakes.

²⁹ See the ICE [website](#) on the Student and Exchange Visitor Program.

³⁰ See the ICE SEVIS website [“What’s New”](#).

³¹ See Alya Mishra, [“U.S. visa fraud institutions highlight regulatory gaps, loopholes”](#), *University World News*, August 12, 2012.

³² See my blog [“Should a U.S. University President Need an Interpreter at a Criminal Trial?”](#), September 26, 2012; and David North, [“Visa Mills, Diploma Mills, and Other For-Profit Colleges: Sorting Out Some of the Controversies in Higher Education”](#), Center for Immigration Studies *Memorandum*, September 2012.

³³ See David North, [“Visa Mills, Diploma Mills, and Other For-Profit Colleges: Sorting Out Some of the Controversies in Higher Education”](#), Center for Immigration Studies *Memorandum*, September 2012.

³⁴ See [ICE notice to University of Northern Virginia Students](#), August 12, 2011.

³⁵ For more on UNV see Tom Bartlett, Karin Fischer, and Josh Keller, [“Federal Agents Raid Virginia Institution That Draws Many Students from India”](#), *The Chronicle of Higher Education*, July 29, 2011; and Justin Jouvenal, [“ICE raid targets University of Northern Virginia”](#), *The Washington Post*, July 29, 2011.

³⁶ Users of PACER, the federal courts’ electronic document system, can read the US District Court of New Jersey indictment at case 2:12-mj-03083-PS, document 1.

³⁷ The date, April 9, 2008, was the earliest one in the sets of press releases found in the search operation that showed a federal indictment.

³⁸ See the Immigration and Customs Enforcement [website](#).

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- ³⁹ For more on this indictment, see Jeff Campbell, [“Former UNCC employee charged with helping illegals stay in U.S.”](#), *wcnc.com*, July 14, 2011.
- ⁴⁰ According to the [ICE press release](#): “Samuel Chai Cho Oh, 66, who owned and operated California Union University (CUU) in Fullerton, Calif., pleaded guilty Jan. 13 [2011] to 10 counts of visa fraud and two counts of money laundering. In addition to one year in prison, U.S. District Judge James V. Selna also sentenced Oh to one year of home confinement. As part of his plea, Oh also agreed to forfeit another \$418,000 in proceeds from the visa fraud scheme that had been laundered through a church he was affiliated with and a Chinese restaurant owned by a friend.”
- ⁴¹ The article is no longer on the newspaper’s website, but see my CIS blog [“All College Student \(F-1\) Visa Fraud Comes in Three Parts”](#).
- ⁴² See David North, [“Visa Mills, Diploma Mills, and Other For-Profit Colleges: Sorting Out Some of the Controversies in Higher Education”](#), Center for Immigration Studies *Memorandum*, September 2012, p. 5.
- ⁴³ For one of the more balanced of these accounts, see [“Tri Valley University blames Indian-origin staffer for immigration fraud”](#), *The Economic Times* (India), February 1, 2011.
- ⁴⁴ See ICE press release [“ICE arrests 27 during Dallas student-visa enforcement operation”](#), August 31, 2011.
- ⁴⁵ [9/11 and Terrorist Travel: Staff Report of the National Commission on Terrorist Attacks Upon the United States](#) *op. cit.*, pp. 92-93. That part of the report was written by my current CIS colleague, Janice L. Kephart, then counsel to the 9/11 Commission.
- ⁴⁶ See sources cited in end note 4.
- ⁴⁷ See end note 8.
- ⁴⁸ See sources cited in end note 4.
- ⁴⁹ See [“Grassley Statement at the Judiciary Hearing of the Subcommittee on Immigration, Refugees and Border Security: Strengthening the Integrity of the Student Visa System by Preventing and Detecting Sham Educational Institutions”](#).
- ⁵⁰ See the [video of the hearing](#).
- ⁵¹ See [letter dated March 2, 2011](#), from Marlene M. Johnson, executive director and CEO, NAFSA: Association of International Educators, to Louis Farrell, director, Student and Exchange Visitor Program.
- ⁵² Benjamin Preiss, [“Immigration crackdown: over 10,000 student visas revoked”](#), *The Age* (Australia), October 6, 2012.
- ⁵³ [“500 bogus colleges closed in UK in 18 months”](#), IBN Live, October 25, 2012.
- ⁵⁴ Andrew Laxon, [“Poor marks for troubled foreign student schools”](#), *The New Zealand Herald*, February 18, 2012.
- ⁵⁵ See end note 6.
- ⁵⁶ [GAO Report](#), *op.cit.*, Highlights.