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Student visa system gets scathing review

By [Maria Sacchetti](#) | GLOBE STAFF MAY 04, 2013



REUTERS

Azamat Tazhayakov (left) and Dias Kadyrbayev (center) were in the United States on invalid visas, officials say.

Homeland Security officials have redoubled their efforts to check foreign students' visas at airports and border crossings since a Kazakh student charged with destroying evidence in the Boston Marathon bombings used an invalid visa to reenter the United States in January.

About 10,000 US schools and colleges are accredited to accept foreign students, according to the Government Accountability Office, and colleges and universities are increasingly recruiting abroad in part because foreign students tend to pay higher tuition rates.

Last year the United States issued 486,900 new F1 visas, the type the Kazakh students had, which typically are valid for the course of their studies. That is more than double the number issued in 2002, according to the State Department.

Last year the Government Accountability Office raised concerns that US officials were not working effectively enough with criminal investigators and others to detect fraud or monitor schools in the program.

“We know that they’re not monitoring them,” said Jessica Vaughan, director of policy studies at the Washington-based Center for Immigration Studies, which favors stricter limits on immigration. “They only go after overstays if there’s an obvious national security or public safety concern with a student who has overstayed. Everybody else is not bothered.”

To obtain a student visa, foreigners must first gain acceptance into an approved American school, from an elementary school to a university. Then students must apply for the visa, pay government fees, and submit to an interview and background check, including fingerprints, at a US embassy or consulate.

US Immigration and Customs Enforcement, a Homeland Security agency, is in charge of monitoring the Student and Exchange Visitor Program in cooperation with school and university officials, who help monitor students’ academic status and other matters through a database known as Sevis.

UMass Dartmouth, a 9,000-student campus that was evacuated after the bombings, said Friday that they were in full compliance with the student visa program.

“After a full review of our records, we are very confident that the university followed all laws and policies related to the international students arrested in connection with the Boston Marathon tragedy,” John Hoey, assistant chancellor for public affairs, said in an e-mail.

A federal immigration prosecutor disputed Cristello's assertion in court, but the issue is unlikely to be resolved soon because the Kazakh men's immigration cases have been postponed pending the outcome of the criminal charges.

In contrast, Tazhayakov's roommate, Kadyrbayev, had allegedly been in the United States on an invalid visa since Feb. 27, when the school terminated him for low grades and poor attendance.

University officials have said that Kadyrbayev was not enrolled this term and had last completed the fall semester, which ended in December, two months before the school terminated him in the computer system.

Schools have 21 days to update the foreign student database if a student has failed to maintain grades or meet other criteria, a federal law enforcement official said Friday. Cristello, who also represented Kadyrbayev, declined to comment on why Kadyrbayev stayed in the United States longer than he was permitted.

Grassley, the top Republican on the committee considering legislation that would overhaul the nation's immigration system, said he hoped the Kazakh men's immigration violations would not derail the bill. But he said Homeland Security should explain what happened so they can address any issues in the legislation.

"We need to be deliberate in this process," said Grassley, who this week urged Homeland Security Secretary Janet Napolitano to explain the Kazakh men's cases. "We can't afford to screw up again, particularly in the age of terrorism."

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