




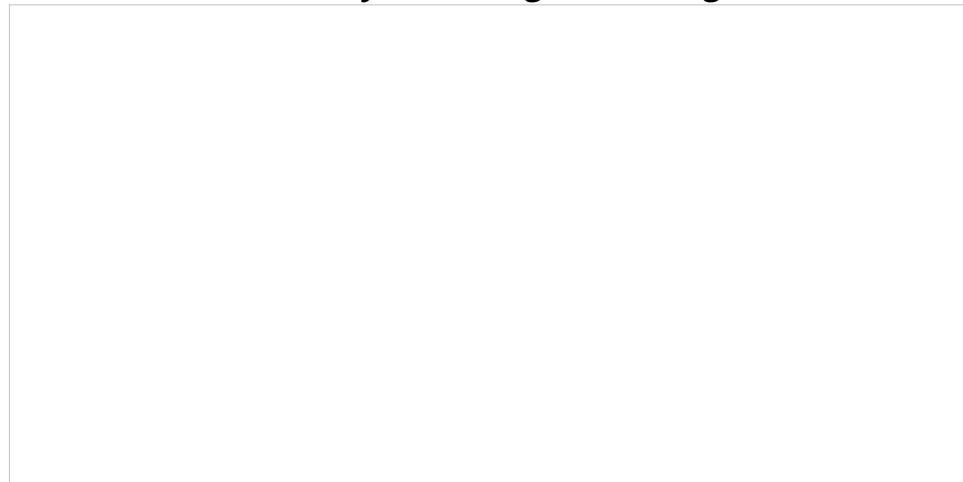
drishti

Visa crackdown: On Indian Students' Arrest

 drishtias.com/printpdf/visa-crackdown-on-indian-students-arrest

(This editorial is based on the article "Visa crackdown: On Indian Students' Arrest" which appeared in The Hindu for 5th February 2019. In this editorial, we'll discuss the current issue where Indian Students Trapped in United States.)

More than 100 Indian students have been charged with violating the immigration laws the in US after they were caught enrolling in a fake university.



The arrest of Indian students on the charge of wilfully violating immigration laws to stay and work in the United States sends a stark message to youth looking for better prospects abroad: their efforts should begin with due diligence and strictly follow the letter of the law.

Background

- **Nearly six lakh Indian students are studying in 86 countries across the world.** USA, Canada and Australia account for two-thirds of this number.
- Currently, an estimated 2.5 lakh Indian students are enrolled in American universities.
- **In the United States, foreign students are granted what are called "F" and "M" visas to study in the USA.**

Types of Student Visa to study in the U.S

- **F visa:**
 - F-1 visas for full-time students.
 - F-2 visas for dependents of F-1 visa holders (spouse and unmarried children under the age of 21). This includes same-sex married couples.
 - F-3 visas for 'border commuters' – Mexican and Canadian students who reside in their country of origin while attending part- or full-time school in the US.
- **M visa:**
 - M-1 visas for students engaging in vocational or non-academic studies.
 - M-2 visas for dependents of M-1 visa holders (as in F-2 visas).
 - M-3 visas for 'border commuters' as in F-3 visas, but for vocational or non-academic studies.
- **J visas** for exchange students on a relevant exchange program.

According to the country's Immigration and Customs Enforcement agency, **foreign students must maintain their legal status by enrolling in a varsity** certified by the Student and Exchange Visitor Program. **If this is not done, it is considered to be a case of immigration fraud.**

Concerns

- The **University of Farmington case in Michigan is not the first instance of Indian students falling foul of U.S. immigration laws**, although it stands apart as a racket exposed by a sting operation. Others such as Tri-Valley University and Herguan University were degree mills run by individuals that used false claims and documents to enable youth to unlawfully stay in the U.S. and, in many cases, pursue employment.
- **The prosecution has alleged that each student who enrolled in the 'university' was aware that there would be no classes, credit scores or academic requirements, and the intention was merely to "pay to stay" and gain access to employment.**
- Immigration attorneys have criticised authorities for using "troubling" methods to trap the students. They said the students were not aware of the varsity's illegitimate operation. Eminent Indian-Americans and some media outlets have also questioned the modus operandi of the US government in busting the racket, saying **"trapping of innocent students" is a "crime"**.

Government Measures

- **Ministry of External Affairs, Government of India obtained consular access and provided legal assistance to 117 of the 129 Indian students** detained in the US for allegedly enrolling in a fake university. The Indian government has closely monitored and taken proactive measures to deal with the detention of Indian students in the US.
- The Indian embassy has also set up a **24x7 helpline for students.**

- The MEA further said they were assisting the Indian students in **obtaining legal advice and connecting them with community support services.**

Conclusion

- Students who are eligible to pursue studies at an authorised university in the U.S. should, therefore, get a further opportunity and not be subjected to summary deportation or humiliation. **It must also not prejudice the prospects of such students who may apply in future for legal entry.**
- **These trends reinforce the need for good communication that would help students identify credentialed institutions** that meet the requirements of the Student and Exchange Visitor Program, and highlight the serious nature of visa fraud.
- This should serve as a reminder to India's policymakers that access to higher education, job-creation and raising of living standards to meet the aspirations of youth must receive priority. **Talk of an impending demographic dividend is meaningless without creating opportunities at home.**