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April 12, 2010

The Honorable Janet Napolitano
Secretary
Department of Homeland Security
Washington, D.C. 20528

The Honorable Hillary Clinton
Secretary
Department of State
2201 C Street NW
Washington, DC 20520

Dear Secretary Napolitano and Secretary Clinton:

Recently, law enforcement officials uncovered widespread student visa fraud inside the California university system. According to reports, a sophisticated for-profit scheme allowed approximately 120 students from countries including Saudi Arabia, Kuwait, Turkey, and Qatar to circumvent their scholastic obligations and disappear inside the United States. While authorities have arrested the alleged ringleader Eammon Daniel Higgins and 16 foreign nationals, law enforcement appears unable to account for the whereabouts and activities of the remaining participants. This breakdown not only represents a serious lapse in programmatic oversight, but also a pattern of irresponsibility that includes several smaller, yet similar situations in Miami, Atlanta, and Detroit and the issuance of visas to Christmas Day bomber Umar Farouk Abdulmutallab and the 9/11 hijackers. The federal government must take immediate measures to address this gap in our national security infrastructure.

On March 8, 2010, Eammon Daniel Higgins, a U.S. citizen, surrendered to local authorities after being charged with conspiracy to commit student visa fraud. Over a period of seven years, Higgins allegedly assisted more than 120 foreign nationals at 10 Southern California institutions in violating the terms of their student visas.¹ These schools included Cal State L.A., Irvine Valley College, and Santa Monica College. To maintain their visas and allow them to escape detection within the United States, students paid Higgins "to sit in class, take exams, and write papers so that their student visas would remain valid." For his services, Higgins reportedly

¹ "Man Charged with Leading Student Visa Fraud Operation," Anna Gorman and My-Thuan Tran, Los Angeles Times, Mar. 8, 2010.

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charged \$1,500 for course assignments and finals, and approximately \$1,000 for English and writing proficiency examinations, some of which were placement tests required by the federal government.

Higgins, who used fraudulent driver's licenses and other records to pose as students, allegedly earned hundreds of thousands of dollars while placing our security at risk. The operation was large and complex, employing various staff, including a woman who allegedly posed as a male student. During this time, Higgins was neither enrolled as a student, nor was he ever registered in any of the classes. In fact, Higgins, who is now 46 years-old, never attended college.

Following Higgins' arrest, Immigrations and Customs Enforcement agent Debra Parker stated, "We have seen visa fraud schemes before, but we have never seen anything quite like this." While Parker indicated there was no evidence that any of the students has terrorist ties, it was too early to "make any assumptions or draw any conclusions." The lack of knowledge about these individuals, including their associations, whereabouts, and activities, is extremely alarming given the two recent al Qaeda affiliated attacks at Fort Hood and on Northwest Airlines Flight 253.

While government officials investigate this breach of security, they must also take renewed measures to properly oversee our visa programs. In December 2009, approximately 741,000 foreign students were studying in the United States on active student visas. While we recognize most of these students are fulfilling their obligations in accordance with the student visa program, the few who may have bad intentions must not be allowed to take advantage of loopholes that threaten our national security. Thus, we respectfully request that you contact Mitchell Kominsky or Thomas Alexander at the Committee on Oversight and Government Reform [(202) 225-5074] and Amy Jones at the Committee on Education and Labor [(202) 225-4527] to schedule a staff briefing to discuss the measures you are taking to address this lapse in oversight and secure our visa system.

Sincerely,



Darrell Issa
Ranking Member
Committee Oversight and
Government Reform



John Kline
Senior Republican
Committee on Education and Labor

cc: The Honorable Edolphus Towns, Chairman
cc: The Honorable George Miller, Chairman