

THE TRI-VALLEY TRAP FOR INDIAN STUDENTS

What precautions can be taken to avoid a similar fate?

by Urmila Rao

The news of California-based Tri-Valley University (TVU) duping Indian students created quite a stir back home. It provoked strong reaction, especially when students were made to wear ankle bracelets by the US investigative authorities. *Careers360* looked into the TVU affair and spoke to several people, including Jeffery W. Grundy of New Jersey's Science and Technology University (NJIT) from where three Indian students took transfer to TVU. And also to Shah Peerally, attorney from Newark, USA, whose law firm is taking up the case of a few TVU students. At least 10 students took consultation from Shah Peerally Law Group since the varsity got busted.

During the course of our research, myriad views (for and against TVU students) surfaced. *Careers360* visited comments of all hues, keeping primary focus on advising future US-bound students; on due diligence to be undertaken to steer clear of dubious institutions.

A look at the TVU functioning can be a starting point to know in what ways adverse situations can crop up. What went wrong at TVU? Why was the varsity put in the dock? When valid visas were issued to students then why were students treated as co-conspirators and radio-tagged? As Ravi Lochan Singh, Head, Global Reach, an education advisory firm, puts it, "The debate should be how the university functioned." In order to operate, TVU, an unaccredited institution, had to submit documents to the Department of Homeland Security (DHS) that it has collaboration with three accredited colleges or universities. TVU submitted forged papers to DHS and obtained visa-related documents



SOUR DREAMS Many Indian students are at the cross roads in the US now

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(I-20) that it gave to the students for filling up. (Form I-20 certifies that the student has been accepted for enrolment in a full course of study. Students filled up I-20 forms or visa-documents and obtained F-1 student visas). Of course, there was no way the students could have discovered that they were being issued I-20s that were obtained on forged documents, making their student status illegal.

The other irregularity that TVU engaged in was on the enrolment capacity. The "virtual" school stated to the DHS that it has 30 seats. However, from 11 students in May 2009, it enrolled as many as 939 by May 2010.

Indian students in the dark?

One notion is that students were in the know of what they were getting into, in terms of reputation of the college. When an F-1 student finishes the course, he/she is not eligible to stay any further in the US. Student and Exchange Visitor Information System (SEVIS) keeps a tab on students and terminates the 'student status' once the course is over. In order to legally linger their stay in the US, foreign students either transfer or change schools and continue their F-1 student status. Does it mean then, that Indian students were least concerned on the deliverables of the college? And their prime agenda was to stay put in the US and therefore they chose, of all the colleges, only TVU? Grundy, Director, Office of International Students and Faculty, NJIT, which had three Indian students transferred to TVU feels that was the case. "They went to extend their F-1 status", he says. Student community, especially having stayed in the US as students, has an idea about the reputation and deliverables of the college they choose to join. Isn't it? Vivian Doskow, 28, a 2010 pass-out of City University of New York, Graduate School of Journalism, gives her take. "Locals would probably know of the reputation," she says. A check with the local student community

is all that it takes to establish the quality of the college, she implies. Shah Peerally, attorney and President of Shah Peerally Law Group PC defends the students. He says that the main reason for choosing TVU was the affordability of the school. "It was relatively cheaper than other schools," he adds. It is possible that students may genuinely have been caught off-guard in the scam. However, one implausible aspect is: Could the students travelling that far a distance; spending on travel, lodging and paying tuition fee (\$ 2700 per semester) afford the luxury of ignorance regarding quality of the institution they are enrolling in? "Students don't always act in their best long-term interest," says Grundy. Peerally's views differ. "The students were told that the school was compliant," he states.

The looming questions

Initially the biggest fear was deportation for violating the immigration status. But Immigration and Customs Enforcement (ICE) has now accorded some relief in its latest move. ICE has offered that students can stay and file for reinstatement of the student visa with the US Citizenship and Immigration Services. But it is not very clear whether the students will be able to retain their student status (read interview with Attorney W. John Yahya Vandenberg from Hogan and Vandenberg).

What would be a safe and better move? "We would prefer that the TVU students are reinstated or be allowed to change their status," Peerally offers. However, after talking to many students and analysing their concerns, Peerally believes that most students are going to opt for leaving the US voluntarily and come back possibly on a new student visa or some other kind of visas (including H4, H1Bs, etc). "But we are not advising or advocating this option," he cautions. Staying on in the US may be an expensive affair. Students will have to pay for the change of status



ATTORNEY W. JOHN YAHYA VANDENBERG from Hogan and Vandenberg, a law firm specialising in Immigrant Laws, tells Urmila Rao a possible breakthrough from the impasse.

Q: Has the SEVIS record (student status) of all TVU students been terminated?

A: Each and every one of them, on January 18.

Q: ICE indicated they would consider the possibility of reinstatement of student visa through form I-539. Have the students been issued the forms?

A: ICE tells the students to go to the website where all the forms are free www.uscis.gov/forms, but here's the problem: ICE has told every school that if they consider taking a TVU student, then the school must contact ICE first before they issue an I-20. The school cannot issue a new I-20 to the student without ICE's permission. No one knows if ICE is going to give that permission. But the important part is, a student can't file an I-539 to reinstate student status unless the school gives them an I-20. And if ICE is playing mean and giving the student an NTA (Notice to Appear) before they get an I-20, then the student is barred from filing the I-539.

Q: What is the way out of the deadlock now?

A: As an attorney, here's are a few ideas from my side. a) If the student gets an I-20, turn around and file an I-539 right away, even if ICE later files an NTA, the I-539 application to reinstate will still be processed. And if it is approved, the removal, also known as "deportation" proceedings, will be terminated. b) Students can voluntarily depart and seek to re-enter using the new I-20. c) If student is afraid to go back to India fearing persecution on account of race, religion, social group, or political opinion, they can seek asylum. d) If student is in love with a US citizen, they could marry, and seek to adjust their status. Of course, it has to be a real marriage. There are other potential options as well.



“ The main reason why students chose Tri-Valley was the affordability of the school. The school needs to be investigated. Their practices were really misleading”

SHAH PEERALLY

Managing Attorney , Shah Peerally Law Group PC, Newark , USA

and bear other legal expenses. There is no guarantee the reinstatement will work and in some parts of the country it might take around several long months to adjudicate. Further, students staying in the US might be issued Notice to Appear (NTA). “NTA are immigration courts that have jurisdiction over the matter,” Peerally explains. On the academic front Grundy’s concern is that even if a student is allowed to enrol now, the US universities may not take them in. “All institutions are in the third week of the spring semester. This makes re-admission for Spring 2011 very difficult,” he says.

Advice to future students

The issue of fake colleges, as well as counterfeit degrees from real schools in the US (and other countries) is not new. Bogus colleges like Sussex College of Technology, England, Concordia University of Belgium, St. Regis College University, Washington, and LaSalle University of Louisiana, USA are just few names in the long list of phony schools. In order to avoid falling in the trap, ensure that the college has been accredited, more importantly, the

HOW NOT TO FALL INTO A TRI-VALLEY TRAP

1. Who is the accreditor? A mere accreditation doesn't mean it is a quality institution. Just as there are diploma mills churning out fake degrees, there are accreditation mills that sell accreditation.
 2. Visit CHEA's website: <http://www.chea.org/> It has a database of accredited institutions and programmes. Check other websites too. For example this link has partial listing of non-accredited schools: http://www.michigan.gov/documents/Non-accreditedSchools_78090_7.pdf.
 3. The notion that suffixes like '.edu' and '.ac' is for legitimate academic organizations, is false. Noted US-based writer John Bear also cautions edu being in the domain name. He says, "There are many degree mills that insert 'edu' into their domain name, but not as suffix for example, 'schoolname_edu.com'".
 4. Check if the attractive building or a huge campus on the college's website is indeed the college's property and not rented for a ceremony. Colleges can give false depiction of their campus.
 5. Only virtual presence -Some fake institutions may exist in the world of Internet only. There is no real infrastructure and changing addresses is easy.
 6. Get regular updates on dedicated blogsites like <http://diplomamillnews.blogspot.com/>.
 7. Rankings can be indicators of an institute's credibility. Website of 'US News & World Report' and 'Princeton Review' is a good idea, suggests Vivian Duskow, a 2010 graduate student from New York.
 8. States like Idaho, Hawaii, Montana and California have academic institutions with low or doubtful standards.
 9. Some US states like Oregon gives a list worldwide schools unacceptable to them. For e.g., "Schools that are not Authorized to Offer Degrees in the State of Oregon", check out at <http://www.osac.state.or.us/oda/unaccredited.aspx>.
 10. Alumni List - If the school boasts of an impressive list of alumni or produces a long list in its short existence, it should ring an alarm bell.
 11. US-bound students can also consult educational advisers at the United States-India Educational Foundation (www.usief.org). Says Adam J. Grotzky, executive director, "USIEF is ready to assist students and parents in their endeavour to identify US institutions "
- body that has accredited it. "There can be more than 250 accreditation mills," writes US author Allen Ezell in her book "Accreditation Mills." The Council of Higher Education Accreditation (CHEA) or United States Department of Education (UDSE) has list of recognized programmes that can serve as student's screening point. "Research and talk," say counsellors. Besides researching, concurs Grundy, "Review the institution's founding date, faculty qualifications, talk to trusted professionals who know the prospective institution and speak to students who have recently attended or currently enrolled in the college," he advises.
- Most of these colleges thrive on clever marketing, says Vivian, "Fake colleges usually resort to such good marketing that they seem very real, especially to people who are new to the US." Quality schools usually offer scholarships and do not admit in a programme without a mandatory SAT, GRE or TOEFL test or compromise on scores. Internet is a student's friend, which can offer relevant information so that students can make informed decision. Blogsites like <http://diplomamillnews.blogspot.com/> can be one such guide. The other important aspect is not to be fooled by internet suffixes like '.edu'(education) and '.ac'(academic). They may not be legitimate academic organizations. Here's what noted writer John Bear, writes in his book, 'Degree Mills: The Billion-Dollar Industry that has sold more than a million fake degrees': "The .edu suffix is under control of the US Department of Commerce, but they gave the right to award this suffix to a private company." "It granted 400'.edu' suffixes in error," he writes in his book. ■