

around the nation

Student Visas for Hijacker Suspects Enrage Congress

By KRISTINA LANE

WASHINGTON — Six months to the day after terrorists Mohamed Atta and Marwan Al-Shehhi allegedly slammed jetliners into the World Trade Center, the U.S. Immigration and Naturalization Service informed the aviation school where the men took flying lessons that their student visas had been approved. The gaffe ignited a firestorm of fury among lawmakers and higher education officials, who say it underscores the urgent need for reforms of the student-visa system and the INS.

On March 11, Rudi Dekkers, owner of Venice, Fla.-based Huffman Aviation Inc., received mailed notices that Atta and Al-Shehhi had been approved for changes in their visa statuses, from tourists to students. Dekkers said he sent applications for the status changes on behalf of Atta and Al-Shehhi in August 2000.

Current INS regulations say foreign citizens in the United States on tourist visas who wish to spend more than 18 hours a week in class must apply for student visas.

But an archaic INS tracking system and a severe backlog of visa applications delayed Atta's and Al-Shehhi's applications, allowing the men to complete their training at Huffman before they ever earned student status. Dekkers said the two enrolled at Huffman in July 2000 and completed their work in early January 2001.

According to an INS statement, Atta's student visa was approved in July 2001 and Al-Shehhi's was approved in August 2001.

"Notices to students are automatically generated upon approval. Secondary notification to the school occurs later, after data is manually entered at an INS contract facility," the statement says.

The INS also said at the time the changes in status were approved, there was no information to suggest that either man had ties to terrorist organizations.

But the INS acknowledged that the letters sent to Huffman were embarrassing and indicated a communication collapse within the agency.

"After Sept. 11, someone in the INS should have said, 'Let's make sure there is no paperwork in the system for the 19 hijackers ... if



Mohamed Atta, whom authorities believe piloted a jetliner into the World Trade Center, received student-visa status a few weeks before Sept. 11.

you find any paperwork with their names on it, stop it, collect it, forward it to Washington," said Paul Anderson, deputy chief of staff for Sen. Bob Graham, D-Fla. "According to Russ Bergeron at the INS, they knew these guys (Atta and Al-Shehhi) had applied for student visas. The error was in not notifying the contractor to stop them."

A private contractor for the

agency in London, Ky., sent the letters, but the decision to send the letters was made at an INS processing center in Texas.

Anderson said the blunder should help speed passage of legislation pending in the U.S. Senate that seeks to reform student visa laws. Known as the Enhanced Border Security and Visa Entry Reform Act, the bill, which has already passed the House of Representatives, is expected to come to a vote in the Senate soon.

Several members of Congress initiated the measure following Sept. 11, due in part to revelations that Hani Hanjour, suspected of being the hijacker who crashed a jetliner into the Pentagon on Sept. 11, had been in the country on a student visa. Hanjour never showed up for class at the California college where he was supposed to have studied English as a Second Language, but a communication gap between the INS and the college kept that information from being shared.

Seeking to bridge that gap between higher education and the

government, the border security bill also would increase funding and personnel for the INS and the U.S. Department of State. It would nearly prohibit the State Department from issuing visas to U.S.-listed states that sponsor terrorism, including Iraq, Iran, Libya, North Korea and the Sudan.

But before the Senate votes on the bill, Graham, a sponsor of the legislation, hopes to add provisions that would further improve the type of information shared among schools, the INS and the State Department, according to Anderson. Strict parameters must be established for the kinds of information shared — such as evidence that Atta and Al-Shehhi had terrorist ties — and the timeframe in which it is shared, Anderson said. Graham is still working on developing the new provisions.

Terry Hartle, vice president for government relations and public affairs at the American Council on Education, said the INS' stumble underscores the need for the quick and effective implementation of an electronic visa tracking system.

"The INS has in the past said the reason (the electronic system)

is not in place is because the colleges blocked it. But obviously the INS has had difficulty with the system it already has in place," Hartle said.

Hartle said restructuring the agency — which many federal officials, including President Bush, have suggested since Sept. 11 — would do little to ameliorate the problems unless their information systems are upgraded.

However, shortly after Huffman's receipt of the hijackers' visas was made public, the INS announced the replacement of four top officials.

By publicizing the information about the visas, Dekkers said he sought not to vilify the INS, but to clear his school's name, and the reputation of other flight schools.

In the days immediately following Sept. 11, Dekkers said FBI officials confiscated his paperwork on Atta and Al-Shehhi. Without his files, Dekkers said, he was unable to rebuff INS claims that he had unlawfully taught terrorists to fly.

"I was stunned. I didn't expect this," Dekkers said about receiving the visa notices from the INS. "But I was happy, too, because now I could show the world we did it the right way." ▲

NEWS *briefs*

N.Y. Colleges' Building-Contract Officials Indicted

NEW YORK — Two state Dormitory Authority employees surrendered Tuesday after being indicted in Manhattan on theft and bribery charges involving construction work at four New York City colleges.

The 53-count indictment charges Michael O'Connor, 43, of Wayne, N.J., and Robert Marsac, 36, of Flanders, N.J., with grand larceny, bribe receiving, falsifying business records and related counts.

O'Connor, an \$82,000-a-year project manager who oversaw and certified work for the Dormitory Authority of the State of New York, accepted at least \$456,000 worth of

kickbacks in cash, merchandise and services, Manhattan District Attorney Robert Morgenthau said.

Morgenthau said Marsac, a consulting architect, aided O'Connor's schemes by filing phony records. He said Marsac also once stole money by billing DASNY for his salary, as if he were working on an agency project, while he was on a three-week vacation in Australia.

The Dormitory Authority is the agency that contracts for and oversees the construction of facilities at state-run colleges and universities.

At O'Connor's arraignment, Assistant District Attorney Susan Krischel said the defendant used the stolen money on gambling, prostitutes, remodeling his home and fixing a

Queens apartment that he outfitted with a \$60,000 marble bathroom and several video cameras he used for sexual trysts. O'Connor pleaded innocent.

State Supreme Court Justice Brenda Soloff set O'Connor's bail at \$100,000 and scheduled his next court appearance for April 23. O'Connor did not immediately post bail.

Marsac had not been arraigned by early Tuesday evening. It was unclear whether he had retained a lawyer.

Morgenthau said the case, which was referred to his office after state officials were tipped off, is the third in the past year involving corrupt DASNY employees. He said six defendants have been indicted.

The charges against O'Connor and Marsac stem from alleged cheating on jobs at Queens College, Queensborough Community College, York College and Kingsborough Community College between October 1998 and December 2001.

None of the contractors who paid the bribes has been charged, Morgenthau said, but the investigation continues.

Morgenthau cited examples of O'Connor's alleged schemes.

In a \$400,000 Queens College job, a contractor was supposed to repair campus buildings and upgrade five miles of utility tunnels, but O'Connor told the contractor not to do the work, Morgenthau said.

Instead of making sure DASNY did not pay for work

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