

# Intensive English Programs: State Department Update

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# Policy Reminders

- All students must establish that they:
  - Have sufficient funds to pay for their program
  - Can explain their plans for their trip
  - Plan to return abroad at the conclusion of their program
- 9 FAM 41.61 N6.4 English as a Second Language (ESL)

*The fact that an ESL or other education program is available locally is not in itself grounds for refusing an applicant. Many students find language learning enhanced by living in the country where the language is spoken.*

## Policy, cont.

- 9 FAM 41.61 N2.3 Community Colleges or Lesser-Known Schools
  - *Consular officers may appropriately consider the usefulness of a degree from a community college or lesser-known university, (or from any university) in the local context. Attendance, however, at a lesser-known college or university is not, in itself, a ground of ineligibility, and applicants cannot be refused a visa for that reason.*

# Reminders

- Unusual case? Provide a letter and tell the applicant
- Burden of proof is on the applicant
- Be prepared to explain school choice
- Questions about a case? (202) 663-1225
- Questions about policy? Contact Visa Office through Reg Ombuds
- Visit [www.travel.state.gov](http://www.travel.state.gov)

# Short Term Programs: B versus F



# Can I go on a B?

- Pursuant to 8 C.F.R. 214.2(b)(7), "an alien who is admitted as . . . a B-1 or B-2 nonimmigrant . . . violates the conditions of his or her B-1 or B-2 status if the alien enrolls in a course of study. Such an alien who desires to enroll in a course of study **must either obtain an F-1 or M-1 nonimmigrant visa . . . .**"
- **Exception:** B1/B2 may engage in a short course of study if incidental to their visit
  - Must be recreational or avocational
- Therefore, short term academic programs **do not qualify for a B**

## So, Can I get an F then?

- Students who are engaging in study that is provided mostly on-line or through distance learning would therefore not qualify for an F visa.

Now What?

