



Don't Try To Use A B-1/B-2 Tourist Visa If You Plan To Become A Student

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Attorney Eugenia Ponce recently had a telephonic consultation with a client who wanted to enter the United States on a B-1/B-2 tourist visa to visit various universities throughout the United States and to attend admissions interviews. He wanted to know what the student visa requirements were and whether he would face any challenges if he tried to obtain his student visa while in the United States on a tourist visa.

Ms. Ponce explained that foreign nationals seeking to enter the United States for the purpose of studying in the United States will need to apply for an F-1 study visa in their home country. The fact that he wanted to enter the United States to visit schools (for tourism) rather than to study, should be disclosed to the consular officer so that the officer could note "prospective student" on his I-94 card when admitted into the United States.

Ms. Ponce continued by explaining that the sole purpose of the tourist visa is to visit for a short period of time, and that is all. The tourist visa cannot be used if the person has the intention to work or to study. There is a specific visa for individuals seeking to enter the United States to pursue a full-time course of study. That is an F-1 student visa. Since B-1/B-2 visitors are not allowed to pursue a course of study, any change of status applications could be denied if it is found that the foreign national intended to enter the United States to study, and this preconceived intent was not previously disclosed.

Once accepted to a study program, it is recommended that the foreign national return to his or her home country to obtain an F-1 visa stamp. The F-1 visa is issued no earlier than four months prior to the study program's start date.

Once the F-1 visa is issued, the international student will enter the United States and will be admitted for as long as the F-1 student continues the study program requirements. Essentially, an F-1 student will be admitted for "duration of status" or "D/S" and this will be reflected on the I-94 card.

For more information on the F-1 student visa process please call Kraft & Associates at 214-999-9999.

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