

RESTRICTIONS ON STUDYING WHILE IN A VISITING STATUS

Under U.S. Immigration regulations, persons in visiting status (B-1 or B-2, or visa waived for business or tourism) are **prohibited** from enrolling in a *course of study*.

The regulation states that a foreign national in B visitor status "violates the conditions of his or her B-1 or B-2 status if the alien enrolls in a course of study" [8 CFR 214.2(b)(7)].

The regulation does not explain exactly what is meant by "course of study."

An April 12, 2002 memo from USCIS provides limited additional clarification:

The term "course of study" implies a focused program of classes, such as a full-time course load leading to a degree or, in the case of a vocational student, some type of certification. Casual, short-term classes that are not the primary purpose of the alien's presence in the United States, such as a single English language or crafts class, would not constitute a "course of study." Courses with more substance or that teach a potential vocation, such as flight training, would be considered part of a "course of study" and thus would require approval of a student status. [HQISD/70-6.2.2-P, J.Williams]

A strict reading of this guidance suggests that B visitors must avoid all academic study in the US.

A more lenient interpretation suggests that B visitors may not be in violation of their status if they only study part-time and are not pursuing a degree or certificate in the U.S.

IUPUI policies

IUPUI offers admission to qualified students regardless of immigration status. IUPUI does not and is not required to initiate any reporting on the enrollment of visitors to US immigration agencies, but situations may occur in which the University would be required to report on a student's enrollment to a government agency. IUPUI is unable to provide further guidance to help you make a decision on whether or not to take classes while on a visitor's visa. For further assistance, and to determine the risks involved given your personal situation and objectives for your stay in the U.S., you may wish to consult with a U.S. immigration attorney.

Full-time study at IUPUI

If you are seeking F-1 or J-1 student visa status for **full-time study**, you must delay enrollment until you can obtain that status. Visitors who have enrolled in courses are not eligible to change to student status in the U.S. Please be aware that your application to IUPUI does not give you any kind of legal status, and admission to IUPUI does not guarantee that student visa status will be granted. After an admission decision is made, you will be asked to consult with an advisor at the Office of International Affairs to review options for obtaining student status.

We ask that you carefully consider the restrictions on study for visitors to the US and then inform the Office of International Affairs of your decision to seek enrollment at IUPUI by checking the appropriate box below and returning this form to the office:

- I have decided not to study at IUPUI.
- I have reviewed the information above, understand the risks involved, and still wish to pursue the study opportunity requested while in a visiting immigration status.
- I intend to pursue a student visa and will delay study until I am approved for student status.

Signature

ID#

Date

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