

R 151338Z JUL 04
FM SECSTATE WASHDC
TO ALL DIPLOMATIC AND CONSULAR POSTS
SPECIAL EMBASSY PROGRAM
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UNCLAS STATE 154060

E.O. 12958: N/A
TAGS: CVIS, CMGT
SUBJECT: STUDENT AND EXCHANGE VISITOR PROCESSING REMINDER

REF: (A) 04 STATE 70079 (B) 03 STATE 349930 (C) 03 STATE 279071
(D) 03 STATE 144850 (E) 03 STATE 144850

1. This cable was cleared by SEP.

1. SUMMARY: With the summer student and exchange visitor visa season in full swing, the Department would like to remind Posts of several important visa processing policies to ensure that applications for these categories of visas are handled in the most expeditious way.

INITIAL ENTRY STUDENTS MUST NOT ENTER BEFORE 30 DAYS

2. While students may apply for F visas at any time, consular officers may not physically issue them until ninety days before the program start date. More importantly, initial entry students may not use these visas to enter the United States for the first time until thirty (30) days before their program start date. This rule does not/not apply to returning students, who may be issued an F visa at any time, and who may return to school at any time.

3. While J visas may be applied for and issued at any time, initial- entry J visitors also may not enter the United States for the first time until thirty (30) days before their program start date.

4. Immigration inspectors have turned around qualified students who have attempted to enter the United States for the first time as a student before the thirty-day period. In order to prevent this from happening, Posts should attach the following notice to F, M or J visas issued to initial-entry students more than thirty days before their program start date:

"To all recipients of an F, M, or J student or exchange visitor visa: Please be aware that United States Department of Homeland Security regulations state that holders of F, M, or J nonimmigrant visas will not be admitted to the United States until a date thirty days or less prior to the beginning of your program date, or start date, as given on your Form I-20 (for F or M visas) or DS-2019 (for J visas). An immigration inspector may deny you entry into the United States if you use this visa

earlier than this thirty day period. Please consider that date carefully when making your travel plans to the United States."

5. Students who are still interested in traveling to the United States before the thirty-day period may do so on B visas, as described in para 17, reftel(A). They may have both a B and an F, J or M visa in their passport at the same time. Students coming in to the United States early on a B should be reminded that they cannot begin their programs in B status. As it is unlikely they could receive change-of-status before the start of their studies, they will have to depart the United States and re-enter on their F no more than thirty days before their program start date.

PRIORITY SCHEDULDING

6. Posts are also reminded to give priority scheduling to persons applying for F, J and M visas. These visitors are often subject to deadlines, and consular officers should give them every opportunity to arrive in the United States on time to begin their programs. While there may be a number of ways to offer expedited processing to these visitors, all Posts should have procedures in place to do so.

7. Posts must insure that procedures for obtaining priority appointments for students and exchange visitors are well-publicized and transparent. At a minimum, these procedures should be posted on the consular section's web page. Outside agencies contracted to provide interview scheduling for the consulate should also be briefed on how to give priority appointments for students and exchange visitors. Instructions should be given to local educational groups, exchange visitor programs and other interested parties about how to do this.

8. Several posts have expressed concerns about abuse of the special scheduling for students and exchange visitors by persons hoping to get an earlier appointment to apply for a visa in another category. One way to screen out such applicants is to ask for their SEVIS number. All applicants for Fs, Js and Ms will have a SEVIS-generated I-20/DS-2019 with a unique SEVIS number. If this is a potential problem, Posts have the discretion to request SEVIS numbers when giving priority appointments. However, this is not a requirement; students and exchange visitors may wish to make visa appointments before they receive their actual form. Posts may give priority appointments to these individuals if it is apparent that they are in fact bona fide students or exchange visitors.

9. More than ever before, visa processing for students and exchange visitors is not only an important consular function, but an important and visible part of the Department's overall mission. We are counting on our consular officers overseas to make sure that these applicants are accommodated to the greatest extent possible.

10. Minimize considered.

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