

Bureau of ABLE Policy Guidance

Subject: **Nonimmigrant Foreign Students with F-1 Visa**
Number: C.800
Issued: August 2004
Effective: Immediately
Expires: Indefinitely
Status: Revised, replaces prior directives

The following Policy Guidance is issued to agencies with adult education or family literacy programs funded by the Bureau of Adult Basic and Literacy Education (Bureau) to implement amendments to national immigration laws concerning nonimmigrant foreign students with F-1 visa status.

INTRODUCTION

According to the Immigration and Nationality Act, federal immigration policy is based on the principle of self-sufficiency so that "...aliens within the Nation's borders [do] not depend on public resources to meet their needs...." An alien is "any person not a citizen or national of the United States." Aliens may be immigrants or nonimmigrants. Nonimmigrants may be admitted to the United States for numerous purposes under section 214 of this act, including admission as a foreign student to study at an educational institution. Such individuals receive visas under subsection F-1 of section 214 of the act.

Section 625 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (which may be found in the Omnibus Consolidated Appropriations Act, 1997, Public Law 104-208) amended provisions of section 214 of the Immigration and Nationality Act relating to the granting of F-1 visas. In addition to requiring full reimbursement for study at public secondary schools (which requires issuance of Form I-20 by the school), it prohibits granting this visa to nonimmigrant foreign students who enroll in a public elementary school or in a publicly funded adult education program. Visas are void for those foreign students with the F-1 visa who do enroll in such programs.

POLICY STATEMENT

Foreign students with an F-1 visa are prohibited from enrolling in any Bureau-funded adult education or family literacy program.

This policy does not affect foreign students in any other category, such as exchange students (who hold J-1 visas) or students with F-2 visas (dependents of F-1 students) or students whose parents are in the U.S. as diplomats, researchers, or foreign workers. Moreover, section 625 does not constitute a basis for requiring students to verify alien or citizenship status. Posting this policy statement or the portion underlined above or otherwise providing sufficient notice to prospective students will be considered adequate enforcement by local programs.