

R 222035Z JUN 04
FM SECSTATE WASHDC
TO ALL DIPLOMATIC AND CONSULAR POSTS
SPECIAL EMBASSY PROGRAM
AMEMBASSY KABUL
AMEMBASSY KHARTOUM
AMEMBASSY DUSHANBE
AMEMBASSY BUJUMBURA
AMEMBASSY PORT AU PRINCE
CPA BAGHDAD 3140

UNCLAS STATE 136959

E.O. 12958: N/A

TAGS: CVIS, CMGT

SUBJECT: PROSPECTIVE STUDENTS ENTERING ON B VISAS REF: [STATE 70079](#)

1. The Department would like to alert consular officers that guidance found in para 17 of reftel is incorrect. The language in the cable states that persons planning to change status in order to study in the United States had to have informed an immigration inspector at the port of entry of this intention. This language was based on a preliminary announcement of a policy by INS that was later rescinded, and never implemented. The previous policy regarding prospective students remains in effect. They may be issued prospective student visas per 9 FAM 41.61 N13.3. The Form I-94 will be notated "prospective student" by the inspector at the time of admission.

2. Posts should still alert initial-attendance students that they may not enter the United States in F status more than 30 days in advance of their program start date. Any incoming students who enter on a "prospective student" B visa are not allowed to study until their change of status is approved by DHS. Students who plan to enter the United States in B status should be cautioned that their request for change-of-status to F might not be approved in time for them to begin classes. Students returning in F status do not face this constraint, and may return to the United States at any time as long as they are enrolled for the next academic period.

3. Minimize considered.