

9 FAM 40.67 STUDENT VISA ABUSERS

(CT:VISA-1345; 10-14-2009)
(Office of Origin: CA/VO/L/R)

9 FAM 40.67 RELATED STATUTORY PROVISIONS

(CT:VISA-1345; 10-14-2009)

See Sec. 625 of Public Law 104-208, INA 212(a)(6)(G) (8 U.S.C. 1182(a)(6)(G)), and INA 214(m) (8 U.S.C. 1184(m)).

INA 212(a)(6)

- (6) Illegal *Entrants* and *Immigration Violators*.-
- (G) Student *Visa Abusers*

An alien who obtains the status of a nonimmigrant under section 101(a)(15)(F)(i) and who violates a term or condition of such status under section 214(l) is *inadmissible* until the alien has been outside the United States for a continuous period of 5 years after the date of the violation.

INA 214(m)

m. *Foreign Students*

- (1) An alien may not be accorded status as a nonimmigrant under clause (i) or (iii) of section 101(a)(15)(F) of this title in order to pursue a course of study—
 - (A) at a public elementary school or in a publicly funded adult education program; or
 - (B) at a public secondary school unless—
 - (i) the aggregate period of such status at such a school does not exceed 12 months with respect to any alien, and
 - (ii) the alien demonstrates that the alien has reimbursed the local educational agency that administers the school for the full, unsubsidized per capita cost of providing

education at such school for the period of the alien's attendance.

- (2) An alien who obtains the status of a nonimmigrant under clause (i) or (iii) of section 101(a)(15)(F) of this title in order to pursue a course of study at a private elementary or secondary school or in a language training program that is not publicly funded shall be considered to have violated such status, and the alien's visa under section 101(a)(15)(F) of this title shall be void, if the alien terminates or abandons such course of study at such a school and undertakes a course of study at a public elementary school, in a publicly funded adult education program, in a publicly funded adult education language training program, or at a public secondary school (unless the requirements of paragraph (1)(B) are met).

9 FAM 40.67 RELATED REGULATORY PROVISIONS

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See 22 CFR 40.67 Student visa abusers.

An alien ineligible under the provisions of INA 212(a)(6)(G) shall not be issued a visa unless the alien has complied with the time limitation set forth therein.

(62 FR 67564, Dec. 29, 1997)