



UNITED STATES DEPARTMENT OF EDUCATION

MAY 1 1997

Dear Colleague:

We are enclosing for your information a copy of an informational document issued by the United States Department of State regarding the effect of section 625 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. This act may be found in the Omnibus Consolidated Appropriations Act, 1997, Public Law 104-208, enacted on September 30, 1996. Section 625 applies to a limited number of foreign students. It covers only F-1 nonimmigrant foreign students desiring to study at United States public schools.

Because a number of schools or school districts have raised questions about this provision, the Department of State has issued the enclosed informational document. It is in question and answer form and was developed in consultation with the Immigration and Naturalization Service and with the United States Department of Education, which will continue to work with the Department of State on matters relating to the administration of this new law.

Section 625 amends the provisions of section 214 of the Immigration and Nationality Act relating to the granting of F-1 visas to nonimmigrants applying for these visas to study in the United States. Under the amended Immigration and Nationality Act, an alien may not be accorded this F-1 status as a nonimmigrant (under section 101(a)(15)(F)(I) of that act) in order to pursue a course of study in the United States at a public elementary school or in a publicly funded adult education program. Furthermore, an alien may not be accorded this status to pursue a course of study at a public secondary school unless two conditions are met.

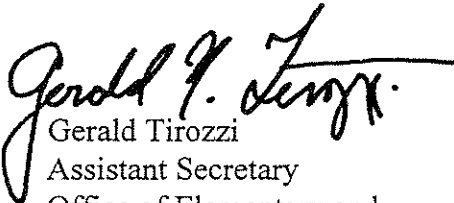
These two conditions are: (1) The aggregate period of this status at the school may not exceed twelve months with respect to an alien. (2) The alien must demonstrate that the alien has reimbursed the local educational agency that administers the school in question "for the full, unsubsidized per capita cost of providing education at such school for the period of the alien's attendance."

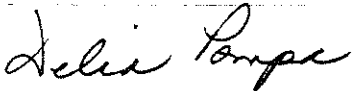
- ★ Section 625 does not affect most foreign students. It relates only to the conditions for granting F-1 visas to the very limited number of nonimmigrant students who come to the United States to study at public secondary schools (and to whom Form I-20 would be issued). The provisions do not affect foreign students in any other immigration status. For example, exchange students (who hold J-1 status), F-2 students (dependents of F-1 students), or students whose parents are here as diplomats, researchers or foreign workers are unaffected by Section 625. Nor does Section 625 affect a foreign student attending a private elementary or secondary school or private language training program. However, if the student terminates or abandons this course of study and undertakes a course of study at a public school or publicly funded adult education program, the new requirements in Section 625 must be met.

Moreover, it should be emphasized, Section 625 does not affect immigrant students who are residing in a school district in the United States and who may not be denied access to a basic education as determined by the United States Supreme Court in Plyler v. Doe (457 U.S. 202 (1982)). Therefore, except for those students who specifically seek F-1 student status by obtaining an I-20 certificate of eligibility from a local educational agency, Section 625 does not constitute a basis for requiring students to verify alien or citizenship status. Again, Section 625 and the enclosed Department of State guidance are confined to the conditions for issuing F-1 visas to the limited class of nonimmigrant students identified in Section 625 who have applied for these visas.

You may wish to share this information with local educational agencies or others in your State as appropriate. If you have questions or comments, please contact the Office of Elementary and Secondary Education at 202-401-0113 or the Office of Bilingual Education and Minority Languages Affairs at 202-205-5463.

Sincerely,


Gerald Tirozzi
Assistant Secretary
Office of Elementary and
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Delia Pompa
Director
Office of Bilingual Education and
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