



Diocese of Davenport

International Student Services Office

WHAT A CONSULS LOOK FOR

Evidence of Residence Abroad

The consular officer may not issue a student visa unless satisfied that the applicant:

- (1) has a residence abroad,
- (2) has no intention of abandoning that residence, and
- (3) intends to depart from the United States upon completion of the course of study.

Applicants generally establish their ties abroad by presenting evidence of economic, social, and/or family ties in their homeland sufficient to induce them to leave the United States upon the completion of studies.

Evidence of English Proficiency

If the applicant's Form I-20 indicates that proficiency in English is required for pursuing the selected course of study and that no arrangement have been made to overcome any English-language deficiency, the consular officer must determine whether the alien has the necessary proficiency. To this end, the officer must conduct the visa interview in English and may require the applicant to read aloud from an English-language book, periodical, or newspaper, and to restate in English in the applicant's own words what was read. The applicant may also be asked to read aloud and explain several of the conditions set forth in the Form I-20.

In the event that the applicant's language proficiency appears marginal, the officer may refer the applicant for language testing. Tests for this purpose will ordinarily be carried out by appropriate local groups, such as qualified host-country facilities. If the latter are used, the consular officer should be satisfied that the testing standards are sufficiently strict. However, if the local situation requires the consular officer to determine the language proficiency of applicants, materials such as the Test of English Language Proficiency (TEPL) may be available at the post. If not, they may be requested from the Department of State, through the post's Public Affairs Officer.

Determining Financial Status of F-1 and M-1 Students

F-1 Student

The phrase "sufficient funds to cover expenses" referred to in 22 CFR (9 FAM) 41.61(b)(2) means the applicant must establish the unlikelihood of either becoming a public charge or of resorting to unauthorized U.S. employment for financial support. An applicant must provide documentary evidence that sufficient funds are, or will be, available to defray all expenses during the entire period of anticipated study. This does not mean that the applicant must have cash immediately available to cover the entire period of intended study, which may last several years. The consular officer must, however, require credible documentary evidence that the applicant has enough readily available funds to meet all expenses for the first year of study. The officer also must be satisfied that, barring unforeseen circumstances, adequate funds will be available for each subsequent year of study from the same source or from one or more other specifically identified and reliable financial sources.

M-1 Student

All applicants for M-1 visas must present evidence that they have immediately available to them funds or assurances of support necessary to pay all tuition and living costs for the entire period of intended stay. Additionally, consular officers are authorized, at this discretion, to require evidence of payment of round trip transportation in advance of the alien's travel to the United States.

Funds From Source(s) Outside the United States

Whenever an applicant indicates financial support from a source outside the United States (for example, from parents living in the country of origin), the consular officer must determine whether there are restrictions on the transfer of funds from the country concerned. If so, the consular officer must require acceptable evidence that these restrictions will not prevent the funds from being made available during the period of the applicant's projected stay in the United States.

Affidavits of Support or Other Assurances by an Interested Party

Various factors are important in evaluating assurances of financial support by interested parties:



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- (1) Financial support to a support is not a mere formality to facilitate the applicant's entry into the United States, nor does it pertain only when the alien cannot otherwise provide adequate personal support. Rather, the sponsor must ensure that the applicant will not become a public charge or be compelled to take unauthorized employment while studying in the United States. This obligation commences when the alien enters the United States and continues until the alien's departure.
- (2) The consular officer must require documentary evidence to resolve any doubt that the financial status of the person giving the assurance is sufficient to substantiate the assertion that financial support is available to the applicant.
- (3) If the person giving the assurance is in the United States in nonimmigrant status, the consular officer must examine the evidence presented with exceptional care. Is the sponsor's financial situation sufficient to provide the funds without need to resort to unauthorized employment? Is it likely to worsen during the period of the commitment, possibly compelling the applicant or the sponsor to resort to unauthorized employment? Will the nonimmigrant sponsor remain in the United States at least as long as the student?
- (4) The consular officer must also carefully evaluate the factors which would motivate a sponsor to honor a commitment of financial support. If the sponsor is a close relative of the applicant, there may be a greater probability that the commitment will be honored than if the sponsor is not a relative. Regardless of the relationship, the consular officer must be satisfied that the reasons prompting the offer of financial support make it likely the commitment will be fulfilled.

Funds From Fellowships and Scholarships for F-1 Student

A college or university may arrange for a nonimmigrant student to engage in research projects, give lectures, or perform other academic functions as part of a fellowship, scholarship or assistantship grant, provided the institution certifies that the student will also pursue a full course of study.

Educational Qualifications for F-1 and M-1 Students

Consular officers are not expected to assume the role of guidance counselor to determine whether an applicant for an F-1 or M-1 visa is qualified to pursue the desired course of study. The institution will satisfy itself on the student's abilities before accepting the applicant for enrollment. Consular officers should, however, be alert to three specific factors in this regard:

- (1) the applicant has successfully completed a course of study equivalent to that normally required of an American student seeking enrollment at the same level.
- (2) cases in which an applicant has submitted forged or altered transcripts of previous or related study or training which the institution has accepted as valid, and,
- (3) cases in which an institution has accepted an applicant's alleged previous course of study or training as the equivalent of its normal requirements when, in fact, such is not the case.

Relationship of Education or Training Sought To Existence of Ties Abroad

The fact that a student's proposed education or training would not appear to be useful in the homeland is not, in itself, a basis for refusing an F-1 or M-1 visa. It may, however, be a relevant factor in the overall assessment of the likelihood of the alien's return. This may be particularly true where F-1 coursework is advanced far beyond local needs or in certain M-1 cases. If an M-1 student wants to pursue a vocation that does not (and for the likely future will not) exist in the homeland, the prospect of his/her voluntary departure from the United States is diminished unless the applicant can show the intention to work elsewhere abroad following the training.