

The ABC's of Immigration: M Visas for Vocational Students

by Gregory Siskind

What is an M Visa?

The M visa is available to international students who are coming to the US to pursue a full-time course of study at an established vocational school or other nonacademic school that has been approved by the USCIS. Typical institutions that accept M students include community and junior colleges that provide vocational and technical training, vocational high schools, and other schools that provide nonacademic training, other than English language instruction. The school must demonstrate that its international student program will fulfill educational objectives and will not be used as a means of making the students work. Students are designated M-1 and their spouses and children are M-2.

What is required to qualify for an M Visa?

The most basic requirement for a course of study to qualify for an M-1 visa is that it must lead to a specific educational or vocational objective. The student must engage in a full course of study, the definition of which depends on the type of institution.

- o At community and junior colleges, a full course of study is defined as at least 12 semester hours of instruction per academic term, except in cases where the student requires fewer hours to complete the course of study;
- o At other postsecondary schools, a full course of study consists of 12 hours of study per week;
- o In vocational and nonacademic programs, a full course of study must consist of at least 18 hours of study per week if classroom instruction is the dominant part of the course, or 22 hours of study per week if the dominant part of the course is in the laboratory or workshop; and
- o In vocational and nonacademic high schools, a full course of study is the minimum hours the school sets for progress toward graduation.

What should I know about finding a program?

Before a foreign student can obtain M-1 status they must first receive a Form I-20 issued by the school that provides information about the school and the student. Before the school can issue an I-20 the following conditions must be met:

- o The student must have made a written application to the school
- o The school must have received the student's academic record and evidence of financial support
- o The student must meet the school's qualifications for admission, including any English language proficiency
- o The student must have been accepted by the school

How do I obtain the M Visa and what are its conditions?

After the school issues the I-20, it sends it to the student abroad, who then applies for a visa at their local US consulate. To make the visa application the student must present the I-20, their passport, the necessary visa fee (which varies from location to location), Form OF-156 Application for a Nonimmigrant Visa, and evidence of financial support. Unless there are unusual circumstances, the visa will generally be issued on the day the application is submitted, or only a few days afterward. A prospective student who has not yet decided on a school can request a B-2 prospective student visa, and once in the US they can seek M-1 status. Note, however, that if a prospective student does make his or her intentions clear at the time of entry, the INS could very well deny the case.

After receiving the visa, the student may make an application for admission at a US port of entry. The student must present their passport, visa, evidence of support and the I-20. If admission is granted, the INS will keep one copy of the I-20 and return the second to the student. The student is issued an I-94 Arrival/Departure Record that contains a unique control number. This number is noted on the I-20, and becomes a sort of permanent identifier. For example, if an F-1 student leaves the US, upon reentry they are given a new I-94. However, the number on it is crossed out and replaced with the initial number noted on the I-20.

M-1 students are admitted for a period of one year, or for the amount of time required to complete the course of study. They are also given 30 days grace period in which to depart following completion of the course.

Can I transfer to another school on an M Visa?

M-1 students are not permitted to change schools after six months, unless there are circumstances beyond their control. Before six months, transfers are possible, although the student must take care to ensure that they do not fall out of status. The application to change schools is made on Form I-539. The student must include their I-20s from both their old and new schools. Failure to do any of the following will render the student out of status:

- o Transfer to a new school without submitting a transfer application,
- o Enrolling in the new school before the INS approves the transfer unless 60 days have passed since submission of the transfer application,
- o Failure to pursue the full course of study at the school last approved by the INS without seeking reinstatement.

Is it possible to obtain an extension of stay on an M Visa?

To obtain an extension of stay, the student must submit Form I-538 to the INS along with a copy of Form I-20. The student must show that they have maintained valid status and will continue to do so through the period of the extension. The extension may be granted for a period of up to one year, or the length of time required for completion of the program. If the request for an extension is denied, the student has a period of time, between 10 and 30 days, in which they must leave the US. If they do not leave, they are subject to being placed in deportation proceedings.

Am I allowed to work on an M Visa?

M-1 students are not authorized to accept on- or off campus employment. They are, however, allowed to participate in practical training following the completion of their course of study.

A request for practical training must be submitted no more than 60 days before the completion of studies, and no later than 30 days after completion. The period of practical training is determined by authorizing one month of training for each four-month period of study, however, the practical training is not to exceed six months.

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