

9 FAM 41.61 N14.2 Background

(CT:VISA-1064; 10-09-2008)

- a. Prior to the September 11 terrorist attacks on the United States, Canadian and Mexican citizens living in their home countries, but traveling back and forth across the border to take part-time classes in the United States were admitted into the country as visitors. However, due to security concerns in the aftermath of the attacks, the Immigration and Naturalization Service (INS), now the Department of Homeland Security (DHS), stopped admitting these part-time students as DHS held that they were not eligible for admittance to the United States as visitors, since their purpose was to attend class. They also were not eligible for either F-1 (academic) or M-1 (non-academic or vocational) visas because these classifications require students to attend class on a full-time basis.
- b. The "Border Commuter Student Act of 2002", Public Law 107-274, created two visa classifications for Canadian and Mexican citizens and residents who commute to the United States for the purpose of full-time or part-time study at a DHS-approved school. These students (classified F-3 and M-3) are permitted to study on either a full-time or part-time basis.
- c. The family members of border commuter students are not entitled to derivative F-2 or M-2 status.

<http://www.state.gov/documents/organization/87373.pdf> (Accessed 10/16/2012)