



## INS Clarifies Non-Immigrant Visitor Rules

The Immigration and Naturalization Service (INS) has received numerous requests to clarify the following two provisions of the proposed regulations announced by Commissioner James Ziglar yesterday. To ensure that these provisions are properly being interpreted and that the public has an accurate understanding of these proposals, the following summary is being provided. The INS again notes that these are proposed rules and are subject to a public comment period prior to becoming final.

### Minimum Admission Period Eliminated

The proposed rule will not automatically limit B-2 visitors for pleasure to a 30-day admission. The rule will place the burden on the visitor to explain to an INS Immigration Inspector the nature and purpose of the visit in order for the Inspector to determine “*a period of time that is fair and reasonable for the completion of the purpose of the visit.*” When Inspectors cannot determine a fair and reasonable period of admission, INS will grant a 30-day period of admission. If an alien establishes the need for a period of stay, longer than 30 days, the Inspector will grant an appropriate and proportionate period of admission.

### New Requirements for Change of Status

The proposed rule will not bar all B non-immigrants from changing status. The proposed rule will require B non-immigrant visitors to notify INS upon initial entry of their intent to begin a course of study in the United States. INS recognizes that some prospective students will seek admission to the United States as B-2 visitors for pleasure in order to tour an educational institution's campus or interview for admission. In order for persons admitted as B non-immigrant visitors to change their status to that of a student, they will have to clearly state their intent to study in the United States when they initially apply for admission. INS Immigration Inspectors will note that the alien is a prospective student and make the proper notation on the alien's I-94 form (Arrival/Departure Record). This rule will not apply to those already in the United States in B non-immigrant visitor status, since they may have already started a course of study in reliance upon existing rules. Additionally, this rule does not bar individuals admitted under other non-immigrant visa categories from changing status.

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