

\$95 INS Fee for Students and Scholars

The U.S. Department of State (DOS) has notified its embassies and consulates that the U.S. Immigration and Naturalization Service (INS) expects to publish rules in the spring of 2001 on collection of a new fee from foreign students and scholars participating in "F," "J," and "M" visa programs. We anticipate that the fee will be \$95 which will have to be paid through a U.S. banking company before the student or scholar will be able to apply for the U.S. visa. IN the spring of 2000, INS proposed rules for a similar fee, but withdrew the proposal after receiving negative public comments on the proposed method of collection. The U.S. Congress amended the immigration law in late 2000 to allow for a different collection process. The changed law also allows new rules to go into effect without public comment and at a moment's notice.

The Department of State outlined the probable collection process. The student or scholar will pay the fee to INS through a designated U.S. bank after receiving eligibility documents (a Form I-20 or IAP-66) from the U.S. college or university. The bank will mail a receipt to the student or scholar who will then present the receipt and other documents to the U.S. Consulate in applying for a visa.

We will not know when the fee will go into effect until INS publishes these rules, but it is possible that the rules will be effective later this spring or summer 2001. We also do not know what delays the new fee process may cause in the visa process, but we speculate that the mailing of receipts may cause significant delays for students and scholars in some parts of the world.

It is very important that prospective "F" or "J" students realize that they must enter the United States with the appropriate visa so as to be in proper status by the time they arrive at Texas Tech. Students who come in on a B-2 visitor's visa hoping to go down to Juarez in order to get a new F-1 or J-1 visa will find it virtually impossible to get a visa. They will be forced to apply for a change of status with the INS, a process that is now taking anywhere from 4-8 months to do. **The impact of this new procedure will mean that if a student should come into the U.S. and not be in the proper F-1 or J-1 status, he or she will be ineligible to work on campus as a graduate assistant or other wise until his or her status has been changed.** In fact, the U.S.-Canadian and U.S.-Mexican border consulates will no longer be viable sites for students to get any kind of renewal of a visa, because most likely they will have to pay the \$95 fee, also.

We recommend that prospective students and scholars who plan to come to the United States in the summer or fall 2001 apply earlier than has been customary in past years so that they may complete the visa process prior to the additional fee becoming effective, or so that they will have additional time to deal with any delays if the fee becomes effective prior to their completion of visa process.