

Foreign Born Student Victims of Sexual Assault, Dating Violence, Stalking, and Sexual Harassment: Special Needs of “M” Visa Holders¹

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M Visa Description and Eligibility

The M visa is for vocational or other recognized nonacademic institutions, other than a language training program, such as:

- Flight school, technical studies, cooking classes, some types of technical studies, cosmetology programs, religious vocational schools, and other types of degree programs that do not fall into the traditional academic category.

Requirements

Duration: The M Visa’s duration is for a fixed period of time. The M-1 visa is usually granted for shorter time periods than the other student visas. The specific duration is stated on the M Visa holder’s I-20.

- An M-1 visa holder student is authorized to stay in the U.S. during their course of study and during training related to their course of study up to the amount of time listed on the I-20. The M-1 visa status cannot exceed one year.
- At the end of the M-1 visa period the student is given 30 days to depart the United States
 - If a student reduces the course load, even under approved circumstances, the student loses the additional 30 days.

Student: The M-1 student

- Must maintain a full course of study.
- Can only transfer schools within the first six months of your course of studies.
- Cannot continue on to another educational or university program on their M-1 Visa. The student will be required to apply for the F-1 visa.

Exceptions to the Requirements

Crime Victim Needs: Common forms of interim measures student victims of sexual assault, dating violence and/or stalking will need a reduced course load or leave of absence from school so that they can get the time, services and support they need to heal following the abuse.

Reductions in Course Load or No Course Load: USCIS may authorize a reduced course load or if necessary no course load for a period of time not to exceed an aggregate of 5 months.

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Each school has Designated School Officials (DSOs) who advise students on their immigration obligations. The DSO, usually with support from the student's academic advisor, can petition USCIS for the M-1 student to receive a reduced or no course load for a period of time not to exceed 5 months. This may require that the DSO also submit a request for the student's M-1 visa to be extended. Academic probation or suspension are not acceptable reasons for program extension.

To qualify for a reduced course load or no course load an M-1 student must demonstrate a compelling medical reason. The DSO may authorize a student to fall below full-time status for compelling medical reasons. Victims of sexual assault, dating violence or stalking with physical or mental health consequences of the victimization should qualify for this exception.

Interrelationship Between Interim Measures and a Student's M Visa

- **Impact of Reduced Course Load and Absence from School:** Interim measures that allow victims to take a leave of absence from school or reduce their course load cannot last longer than an aggregate of 5 months. The school should provide assistance to the M-1 student victim in applying for a reduced or no course load and for any needed extension of the student's M-1 visa.
- **Helpful Interim Measures:**
 - The DSO files a request with USCIS requesting that the student be authorized to take a reduced course load or leave of absence.
 - Healthcare providers at the university attest that the victim student has significant physical and/or psychological needs as a result of the abuse suffered that merit a reduced or no course load.
- **Screen the Student for U visa, T visa or VAWA eligibility**
 - Screen the student for VAWA/T/U visa eligibility based on crime victimization occurring as a student and occurring prior to their becoming a student.²
 - Screen students who are under age 21 about crime victimization that their parent may have suffered that would make their parent eligible to file a U visa or VAWA case that includes the student in their parent's application.
 - Provide U visa certification by campus police for abuse suffered on campus.
 - Assist the student in making police reports and obtaining U visa certification from local law enforcement.
 - Collaborate with local law enforcement on criminal investigations and prosecutions involving the student victim.
 - Know and develop relationships with community based and victim services organizations with expertise serving immigrant crime victims including help filing

² Under 25-year-old immigrant students who were abused by a U.S. citizen or lawful permanent resident parent or step-parent may qualify to file VAWA self-petitions which bring access to FAFSA student grants and loans.

VAWA/U/T immigration cases that serve the community³ in which the University/College is located.

³ To locate programs with this expertise in your state go to: <http://www.niwap.org/directory/>