



**U.S. Customs and
Border Protection**

AUG 16 2013

MEMORANDUM FOR: Directors, Field Operations
Director, Preclearance Operations
Office of Field Operations

Director, Field Operations Academy
Director, Advance Training Center
Office of Training and Development
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FROM: **[REDACTED]**
Acting Executive Director
Admissibility and Passenger Programs

SUBJECT: Processing of Commuter Students (F-3 and M-3)

This memorandum is intended to provide guidance to U.S. Customs and Border Protection (CBP) officers when encountering arriving commuter aliens who apply under an F-3 or M-3 nonimmigrant classification at ports of entry. Prior to the passage of the Border Commuter Student Act of 2002, Pub. L. 107-274, part-time students from Canada and Mexico were permitted to enter the United States as visitors under the B class of admission. The Immigration and Nationality Act (INA) was amended to include the new F-3 and M-3 commuter student nonimmigrant classifications as defined in 101(a)(15)(F)(iii) and (M)(iii) of the INA, though the regulations do not account for the additional classifications. The regulations in existence prior to the Border Commuter Student Act, and still valid today, define "border commuter student" as a national of Canada or Mexico who is admitted to the United States as a F-1 and M-1 nonimmigrant commuting to an approved school located within 75 miles of a United States land border. See 8 CFR 214.2(f)(18) and (m)(19). This memorandum sets forth the specific requirements for F-3 and M-3 nonimmigrant visas, which mirrors the regulations regarding "border commuter students" with some alterations. Thus, the processing of F-3 and M-3 applicants should be processed according to this memorandum and not simply within the regulations which predate the statutory change.

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* Please ensure that this memorandum is disseminated to all ports of entry within your jurisdiction. Should you have any questions or require additional information, please contact

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Acting Director, Enforcement Programs at

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