A Guide to Immigration Regulations

For F-1 and J-1 Students

Radford University International Education Center

105 Cook Hall
540-831-6200
iec@radford.edu
http://intlprog.asp.radford.edu/

Date: Fall 2009
The Radford University International Education Center extends a warm welcome to you as you begin your studies with us. We are happy that you have chosen Radford as the university to fulfill your educational goals.

A mission of the International Education Center is to provide you with the support and knowledge needed to maintain your legal status and to understand and comply with the U.S. immigration regulations and procedures. If at any time you have questions about immigration, or if you become involved with police, FBI, or immigration officials, you should contact our office for assistance.

Students are responsible for maintaining their legal status in the U.S., and our job is to provide you with the necessary tools to do so.

Our best wishes as you begin your studies and your life in the Radford University community! We invite you to visit our office often, if just to say hello. We look forward to getting to know you, and to your involvement on campus.

Sincerely,

The International Education Center

Dr. Jon Stauff, Director
Teresa King, Assistant Director/Immigration Counselor
Mechelle Hypes, Administrative Assistant

---

**Immigration Documents needed to apply for Driver’s License or Social Security Card**

The following original documents must be presented:

- Valid Passport
- Valid I-20 or DS-2019
- I-94

In addition, you may be asked to present:

- Proof of residence (a utility bill, apartment lease, university billing statement)
- Completed application form
- Fee (cost of the application)

**Additional requirements to obtain Social Security Number:**

- Must have proof of on-campus employment (see RU Immigration Counselor for letter and have it signed by your on-campus supervisor)
- SEVIS record must be updated to “active” by RU Immigration Counselor
- Wait at least 10 days after arrival into the U.S.
Sometimes, it is beneficial to seek the assistance of an immigration attorney (also called a lawyer). There are many competent attorneys, and there are some that are not very good. It is important to always seek an attorney that focuses solely on immigration—not on criminal law, divorce, or other civil cases. Unfortunately, there is no reliable directory to determine which lawyers are great and which are not. Some general tips in deciding which attorney is right for you are:

- Do your homework. Know what your goals are and do some basic research. If your need is based solely on filing for an immigration benefit compared to filing for permanent residency, you should ask how many cases like yours they have resolved. If you need an immigration attorney because of a misdemeanor or felony conviction, you will likely need both an immigration attorney AND a criminal attorney to work together.

- Always be honest, and give the attorney a clear, accurate picture of your situation.

- Make sure your immigration attorney is a member of AILA—American Immigration Lawyers Association. For a web-based search, check www.ail.org, or call 800-954-0254.

- Request an initial consultation in person or over the telephone. Many attorneys do charge for initial consultation. You should provide an initial intake form and probably copies of current immigration documents prior to the consultation.

- Remember that you are responsible for your non-immigrant status. Keep track of your expiration dates and deadlines.

- Remember that the attorney and his/her staff work for you. If you do not hear from them for an extended time, follow up with them to ask about the status of your case. Document your attempts to reach them, but do not harass them. Treat them with courtesy and respectfully.

- Ask for copies of everything that is filed on your behalf.
MAINTAINING STATUS

It is the Student’s Responsibility To Maintain Legal Status

U.S. Immigration laws are very complex, with frequent changes. You must keep in close contact with and seek advise about immigration regulations from the university Immigration Counselor. Other people (your family, friends, community members, faculty) may offer you advise about immigration matters, but you should always check with the Immigration Counselor before taking action. Failure to maintain the terms and conditions of your non-immigrant status is grounds for removal from the U.S. (deportation), and such an action could impact eligibility to return to the U.S. for several years.

How do I maintain legal status?

1. Report to the RU Immigration Counselor within the first week of classes to have your SEVIS record “registered.” Bring your passport and an original I-20. Provide the Immigration Counselor with the address of your home while at RU.
2. Never drop below full-time enrollment (12 credits per semester for undergraduate/9 credits per semester for graduate
3. Make normal progress towards completing your course of studies by the program completion date listed on the I-20.
4. Never accept employment without specific permission from the U.S. Citizenship and Immigration Service (USCIS) and the university Immigration Counselor. Do not work off-campus. Do not work more than 20 hours per week on-campus.
5. Never stay in the U.S. beyond our authorized time (the “completion” date noted at number 5 of your I-20, number of your DS-2019) plus 60 days (30 days for J-1).
6. Follow proper procedures for change of level, transfer of schools or extension of stay.
7. Deadlines—student are required to report many things to the university counselor within 10 days of change. (see “Reporting”)
8. Keep passport valid six months into future.

Your Rights in the United States

The U.S. Constitution guarantees “due process of law” and “equal protection under the law” to all individuals in the United States. Non-immigrants have the right to be protected and to live without harassment, to be represented by an attorney in a court of law, and in that court of law to be provided with an interpreter who speaks your native language.

Non-citizens should not seek to receive public benefits such as low-income housing, Medicaid, loans through the FAFSA form. Receipt of such public benefits could present problems in the future as non-immigrants cannot become a “public charge.”

Non-immigrants should become very familiar with state and federal laws. Breaking serious laws, in particular criminal activities deemed a “felony” offense, or two misdemeanor offenses can result in deportation.

Some violations of law sometimes seen on U.S. college campuses include:

Alcohol—Virginia law prohibits anyone under the age of 21 to purchase or consume alcohol. In addition, RU has strict restrictions regarding alcohol use on-campus for any age.

Drugs—a person using drugs not prescribed by a physician or available for purchase over the counter at a pharmacy, supermarket or department store is committing a “felony” violation and will be immediately turned over to USCIS and deported if arrested of such an offense. The violator will not be allowed to return to the U.S. for 5 to 20 years.

Rape—A person has the right to say NO to sexual advances. Never assume that someone desire intimate relations with you based on your cultural standards, which may be quite different than the U.S. A violator is subject to automatic deportation.

Make sure you understand the laws and their consequences. Attend events on-campus to learn more. Speak to the Immigration Counselor. If you should get in legal trouble with the Police, City or campus, notify the Immigration Counselor immediately for assistance.
Employment

No matter your visa status, you MUST contact the Immigration Counselor before beginning any type of employment—on or off-campus. USCIS and Department of State regulations limit employment opportunities to international students. Working without authorization is one of the most serious violations of legal status in the U.S. Employment includes selling your art work, babysitting, working as independent contractors, translations services or any action earning payment—whether it be cash, salary, free parking, free housing, free meals—anything that is considered “remuneration” is considered employment by USCIS.

On-campus employment is a benefit for F-1 students for up to 20 hours per week when school is in session, provided that the student is full-time enrolled. Students should inform the Immigration Counselor if they are offered on-campus employment.

J-1 students must obtain written permission from the Immigration Counselor prior to beginning on-campus employment.

Off-campus employment is not typical for F-1 or J-1 students, and can ONLY be obtained through application and adjudication directly from USCIS. Students must be enrolled for at least one academic year, and have maintained status to be eligible to apply for off-campus work authorization.

Types of Off-campus employment applications are:

- Economic Hardship (F-1 only)
- Optional Practical Training (F-1 only)
- Curricular Practical Training (F-1 only)
- Academic Training (J-1 only)

For more information, see the “Employment Guide for International Students” or talk to the Immigration Counselor.

Immigration Documents

Always keep your immigration documents, including all I-20s or DS-2019s, in a safe place. Keep ALL original documents as you may need them in the future. Make copies of all of your documents, including:

- Passport pages including the passport number, your photo and personal page data, and the passport expiration date. Also copy all entry/exit stamps within the passport. If your passport is ever lost, these copies will speed processing. You must keep your passport valid six months into the future at all times.

- Visa stamps—This document only governs the time period during which you apply for entry at the port of arrival. Once you’ve been admitted into the U.S., the visa stamp is irrelevant. It does NOT govern your stay, and CAN expire while you are continuing your full-time studies.

- I-94 Arrival/Departure Record—This white card stamped into your passport looks insignificant—however, it is one of the most important immigration documents in your possession! This form is the only document that proves your legal entry into the U.S. on F-1 or J-1 (or other) visa classification. It notes your admission number, your status, and the date by which you must depart or D/S (duration of status).

- I-20 or IAP-66—issued by the school you are attending. This document must be accurate, updated, and valid at all times. Pay special attention to the “expected completion date”.

- Copies of financial support—keep a copy as you may need them for future use.
You may travel anywhere within the U.S. If you depart the U.S. and plan to re-enter to continue your studies, you MUST receive a signature on your I-20 or DS-2019 from the International Education Center staff.

SEVIS—what is that?

SEVIS is an internet-based federal database system that all U.S. schools must use to maintain current academic and immigration information on non-immigrant students (with F-1 or J-1 visas) and their dependents. Electronic information and event notification is sent, via Internet, to USCIS and Department of State for each student throughout the student’s stay in the U.S.

SEVIS is the database that creates the I-20 or DS-2019. Each semester, the university is required by law to report every international student’s enrollment, address, and event updates. In addition, student benefits such as employment authorizations, changes of major, and changes of degree are recorded in SEVIS. Completion of studies and departures from the U.S. are also recorded in SEVIS.

SEVIS EVENT REPORTING required of schools include the following student data:

1. Enrollment or Failure to enroll
2. Change in student address or legal name
3. Failure to enroll in full-time studies
4. Authorizations to drop below full-time studies (very limited exceptions)
5. Change of major or academic level
6. Program extension
7. Premature termination of study—date and reason
8. Employment authorizations
9. School transfers
10. Academic or disciplinary actions taken due to criminal conviction
11. Information regarding any student who fails to otherwise fail to maintain status or complete their program
### COMMON IMMIGRATION TERMS

(SEVIS) Student Exchange and Visitor Information System (SEVIS) is the federal data-base used by all U.S. schools to create I-20s or DS-2019s and record and update required data about every enrolled F-1 or J-1 student.

(DHS) Department of Homeland Security (DHS) writes regulations and develops policies to implement F-1 regulations and procedures, with three bureaus, USCIS, ICE & CBP.

(USCIS) United States Citizenship and Immigration Services is a bureau of DHS, responsible for immigration application and petition adjudications.

(ICE) U.S. Immigration and Customs Enforcement is responsible for immigration investigations, detention, removal, intelligence, and SEVIS.

(CBP) U.S. Customs and Border Protection is responsible for immigration inspections at the U.S. ports of entry, for the Border Patrol and for the Customs Service.

(DOS) U.S. Department of State issues F-1 visas, and oversees the J-1 Exchange Visitor categories.

(DSO) Designated School Official— the person designated at the school to represent and speak for the school in F-1 student matters, ensure institutional and individual compliance with the law, advising students of immigration regulations, and assist with other immigration matters. At RU, the DSO is the Immigration Counselor, located in the International Education Center.

(RO) Responsible Office is the person designated at the school to represent and speak for the school in J-1 visa categories, and perform duties as described under DSO.

### QUICK FACTS

#### Completion of Studies
When you complete your program of studies, you have 60 days (F-1) or 30 days (J-1) to depart the U.S. OR change to another visa, begin a new program of study, transfer to another school or apply for employment authorization.

#### Summer Enrollment
Students may remain in the U.S. during the summer, regardless of class enrollment in summer sessions, as long as pre-registered for the upcoming term and maintaining status.

#### Transfer of Schools
Students are permitted to transfer schools IF the USCIS transfer procedures are followed. Notification of current and future school is required, so work with both immigration counselors closely.

#### Change of Major
Students must report change of major, or declaration of double-major or minor to the immigration counselor within ten days. Students will receive a new I-20 noting the new major.

#### Extension of Stay
If you cannot complete your degree by the noted estimated “completion date” on your I-20 or DS-2019, you may request an extension prior to expiration from the immigration counselor.

#### Employment
Students are permitted to work on-campus only for up to 20 hours per week. During the summer, students not enrolled in courses may work full-time on-campus. On-campus work must be reported to the immigration counselor.

#### Address Change
You must report any change of address (even temporary summer addresses) to the immigration counselor immediately upon that change.

#### Change of Academic Level
A student moving from undergraduate to graduate studies must work with the immigration counselor to receive a new I-20 noting the change prior to enrollment, and prior to allowable grace period of 60 days after completion of degree.
Travel Outside the U.S.

When you leave the United States with plans to re-enter and continue your studies at Radford University, you should have the following documents with you to re-enter:

- Original I-20 or DS-2019 signed (endorsed) by the Immigration Counselor or Alternate DSO’s in the RU International Education Center.

- Verify that information on your I-20 or DS-2019 is correct and accurate.

- Check your U.S. entry visa stamp (in your passport) to make sure your entry stamp is still valid and that it allows multiple entry.

- Documentation of your financial support

- Transcript of your coursework from current and former institutions (available from the Registrar’s Office)

- Proof of health insurance (J-1 visa holders)

- Check your passport expiration date to make sure it is valid six-months into the future

- Make sure that your I-94 is still stapled in your passport. Your I-94 will be taken when you depart the U.S., and you will receive another one upon your reentry.

- Carry copies of your documents, and pack them away from the originals. You might want to keep a copy in your carry on baggage, as well as a copy in your checked bag.

- If you are applying for a renewal of your visa while abroad, please consult the immigration counselor for additional advice prior to your departure.

Reporting Requirements

Students on F-1 and J-1 visas are required by the Department of Homeland Security and the Department of State to regularly report certain events within the allowable time frames for each to the Immigration Counselor on campus. Those reportable events and deadlines for SEVIS updates by the RU Immigration Counselor are listed below:

<table>
<thead>
<tr>
<th>Reportable Event</th>
<th>Deadline to Report Data into SEVIS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Change of Address</td>
<td>Within 10 days of change</td>
</tr>
<tr>
<td>Change of Legal Name</td>
<td>Within 10 days of change</td>
</tr>
<tr>
<td>Change of Financial Sponsorship/Amount</td>
<td>Within 21 days of change</td>
</tr>
<tr>
<td>Change of Major</td>
<td>Within 21 days of change</td>
</tr>
<tr>
<td>Request Extension of Program</td>
<td>Within 30 days of I-20 expiration</td>
</tr>
<tr>
<td>Full and Truthful Disclosure of Information</td>
<td>As requested</td>
</tr>
<tr>
<td>Requested by Department</td>
<td></td>
</tr>
<tr>
<td>Disciplinary Action Taken by School as Result</td>
<td>Immediately</td>
</tr>
<tr>
<td>of Criminal</td>
<td></td>
</tr>
<tr>
<td>Compliance with Reporting Requirements during</td>
<td>Throughout OPT period</td>
</tr>
<tr>
<td>OPT</td>
<td></td>
</tr>
</tbody>
</table>

Students should report these events to the RU Immigration Counselor as early as possible before the SEVIS deadline date to allow time for data entry. Failure to comply with reporting regulations will make the student out-of-status. An out-of-status student is not allowed to work on-campus, enjoy other benefits of their F-1 status, and may warrant departure from the U.S.