

USEFUL INFO

FOR F-1 STUDENTS

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DEFINITIONS

WHAT IS AN F-1 STUDENT?

An F-1 student is someone who has been issued an F-1 student visa by a U.S. consul or embassy in a country outside of the United States, or a non-immigrant who is granted a change of status to F-1 student while staying in the United States on a nonimmigrant visa such as a B-2 Visitor's visa.

HOW TO APPLY FOR AN F-1 VISA?

A foreign national who is going to pursue full-time academic studies in a U.S. school can apply for an F-1 visa with a U.S. Consulate abroad.

If a foreign national on a non-immigrant visa is already in the U.S., he or she can change his or her non-immigrant status to F-1 status by applying for a change of status with USCIS.

WHAT IS SEVIS?

The Student and Exchange Visitor Program is a web-based program which monitors students and exchange visitors in the United States with F, M, or J visas status.

The use of the Student and Exchange Visitor Information System (SEVIS) is mandatory for the issuance of any new Form I-20. Moreover, schools must issue a SEVIS Form I-20 to any current student requiring a reportable action (e.g., extension of status, practical training, and requests for employment authorization).

WHAT IS AN I-94?

A document used to record a foreign national's arrival to the U.S. It is in either paper or electronic format, issued by a Customs and Border Protection (CBP) Officer to foreign nationals upon entering the United States. In the case of F-1 students, they should be admitted for the duration of status or until the study program is completed. This document is very important as it records the student's last entry to the U.S. and is required to obtain state driver's license, state ID, and other for state and federal benefits.

WHAT IS AN I-20?

The Form I-20 is a document issued by a school certifying that a foreign student has been admitted to a full-time study program and that the student has shown sufficient financial resources to pay for his or her studies and living expenses in the United States. The Form I-20 or the Certificate of Eligibility is the required document for a foreign national student to apply for an F-1 student visa at a U.S. embassy outside of the United States or with the USCIS within the United States.

VISA REQUIREMENTS

Have a foreign residence and have no intention of abandoning it.

Be a bona fide student that is qualified to pursue a full course of study.

Seek to enter the U.S. temporarily for the sole purpose of pursuing an education at a U.S. school.

Prove to the Immigration officer that he or she has the immediate financial resources required for education and living expenses in the United States. In some cases, proof of English proficiency may also be required.

HOW DO YOU APPLY FOR AN F-1 VISA IN YOU HOME COUNTRY OR CHANGE OF STATUS TO F-1 WHILE IN THE UNITED STATES?

- Find a school that is authorized by the USCIS that suits your educational needs and will accept you to study in their school.
- Ask for the Form I-20 (Certificate of Eligibility).
- Present proof of SEVIS fee payment.
- IF you are applying in a foreign country - Submit the Form I-20 together with the nonimmigrant visa application form and supporting documentation to a U.S. consulate or embassy; IF you are applying in the U.S. - Submit the Form I-20 together with the Form I-530 Application to Change Status and supporting documentation to USCIS.
- Present proof of ties and financial status in home
- Present financial proof showing sufficient funds to cover the costs for the first year of intended study and a reasonable source of funds thereafter.

HOW LONG CAN A FOREIGN STUDENT STUDY IN THE U.S. UNDER F-1 STATUS?

An F-1 student is allowed to remain in the U.S. for the duration of status. Duration of status means that he or she is considered to be in valid status during enrollment in his or her academic program, plus any periods of authorized practical training and the 60 days grace period to depart from the U.S.

CAN AN F-1 STUDENT ENROLL IN PART TIME STUDY?

No. According to immigration policy an F-1 student in the United States must be enrolled in a full course of study. However, you may enroll in part time study in the summer term.

WHAT IS A BONA FIDE STUDENT?

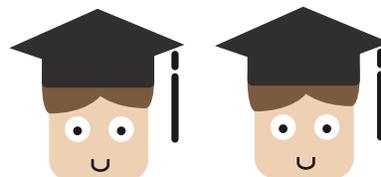
A bona fide must be enrolled and must maintain a full academic program at a recognized U.S. educational institution. An F-1 student can be pursuing a bachelor, master, doctor, or other graduate-level degree, or private high schools, or other non-degree studies, or can simply be engaged in post-doctoral studies.

An F-1 student at an academic institution is considered to be in status during the annual (or summer) vacation if the student is eligible and intends to register for the next term.

WHAT DOCUMENTS ARE ACCEPTED BY USCIS AS PROOF OF FINANCIAL CAPABILITY TO PAY FOR STUDIES AND LIVING EXPENSES IN THE U.S.?

- Last 3 months Personal Bank Statements prior to the filing of the application, indicating the date, monetary currency, and name of the account holder.
- An individual sponsor who is not a U.S. citizen, U.S. Permanent Resident, or non-immigrant legally present in the U.S., must sign an affidavit of support letter and attach supporting financial documents.
- Supporting financial documents includes, but are not limited to:

- Latest Bank Statements
- Shares of stock, bonds, and securities
- A loan from a lending institution or school
- Evidence of monthly wages



HOW TO MAINTAIN F-1 STATUS WHILE IN THE UNITED STATES

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MAINTAIN THE FOLLOWING DOCUMENTS VALID AND UNEXPIRED:

a) Form I-20 – proof the student is eligible to study at a USCIS recognized school in the United States. It indicates the educational level, sources of funds, program of study, and start and dates when the student is expected to complete his or her studies. Once this date expires the I-20 becomes invalid.

b) Form I-94 – this arrival entry record must be electronically stamped by the immigration officer at the port of entry each time you enter. For F-1 students, the length of stay in the United States is for the duration of the whole study program. This authorization to stay is confirmed by looking at the stamp which should be D/S or for the Duration of Status.

c) Visa – is a stamp in the passport that allows the student to enter the United States. It only allows a request to enter the United States before an immigration officer at a port of entry. It does not confer the duration or length of stay in the United States once admitted. Once the Visa expires, it is considered invalid and you must apply for reissuance.

d) Passport – a travel document issued by your home country. It contains a person's information necessary for travelling into another country. It is suggested that this document should be kept valid for at least 6 months into the future.

UPDATE YOUR ADDRESS WITHIN 10 DAYS OF MOVING.

F-1 students are required by the Department of Homeland Security through the SEVIS program to report within 10-days a change of address. Failure to report a change in address may constitute a violation of your immigration status.

IF YOU WISH TO TRANSFER TO ANOTHER SCHOOL, DO IT IN A TIMELY MANNER.

Please see your designated school official for proper advice and procedure.

FOLLOW AND RESPECT STATE AND FEDERAL LAWS.

Like any good citizen and visitor, an F-1 student must observe the laws of the United States. Students should be aware that violating any law of the United States will have implications on their F-1 status.

MAINTAIN A FULL COURSE OF STUDY.

F-1 Students must be enrolled in a full course of study in the school indicated on the I-20.

Coordinate with the school on its policies of maintaining a full course of study and reduced course load or working in the summer term. This means you must take at least:

- Undergraduate Students: 12 credits (credit hours) per semester.
- Graduate Students: 9 credits (credit hours) per semester.

MAKE NORMAL PROGRESS IN YOUR STUDIES.

F-1 students are expected to make satisfactory progress in their program of study by their school and USCIS, they must avoid getting failing grades in individual courses that warrants a dismissal. They must show timely progress and complete the course on the date indicated on the I-20. Regular attendance is also expected as poor attendance affects achievement and progress; however, satisfactory attendance alone does not constitute normal progress.

APPLY FOR AN EXTENSION OF THE I-20 BEFORE IT EXPIRES.

Never allow your I-20 to expire. When the date set on the I-20 expires, the F-1 student is considered as out of status and is therefore not allowed to study in the United States.

Visit your school advisor at least 60 days before the expiration to discuss your options.

NEVER WORK WITHOUT AUTHORIZATION.

The F-1 visa is issued for the sole purpose of studying in school in the U.S. Working in the United States without authorization is a serious offense that may revoke your F-1 visa or status. However, there are certain types of employment that are allowed by immigration laws in relation to your study program like (CPT) Curricular Practical Training or (OPT) Optional Practical Training. For more information about allowable employment while on an F-1 visa please see your Designated School Officer.

EXIT THE UNITED STATES IN A TIMELY MANNER.

When your program of study is completed. You have a 60-day grace period to choose the following options:

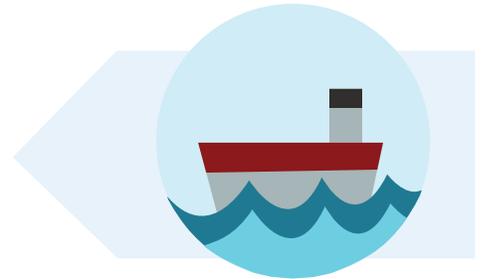
- a) Depart the United States,
- b) Obtain an I-20 for a new program with your current school or another,
- c) Apply for a different status,
- d) Begin your optional practical training.

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TRAVEL INSIDE THE UNITED STATES

If you are already in the United States on an F-1 Visa or you have been granted a change of status to F-1 student from another non-immigrant visa, you must immediately apply for a State Driver's License and a State ID to use as your primary source of identification in the United States. Carrying your passport all the time is not a good idea, it is advisable to obtain these documents as in most cases it is sufficient identification to travel around the country. As precautionary measure, when travelling by plane to another state you must carry these documents with you.

- a) Passport (should be valid for at least six months into the future),
- b) F, J, H or other non-immigrant visa stamp in your passport,
- c) Original immigration documents, including your I-20 (for F visa holders) or your DS-2019 (for J visa holders),
- d) I-94 Form,
- e) An original I-797A Form (Approval Notice),
- f) Employment Authorization Document (EAD card), if you are an F-1 student approved for Optional Practical Training.



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VISITS OUTSIDE AND RE-ENTRY TO THE U.S.

What are the requirements for an F-1 to re-enter the United States after travelling abroad on personal business or pleasure?

- a) A Form I-20, endorsed for travel and signed by your DSO;
- b) You must be out of the United States for less than five months;
- c) A current passport valid for at least six months after the date of your re-entry.
- d) A valid, current visa or you travelled to contiguous country or adjacent island for less than thirty days;
- e) Financial information showing proof of necessary funds to cover tuition and living expenses;

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F-2 DEPENDENTS

and unmarried minor children), must apply for an F-2 visa at a U.S. embassy or consulate, or with the USCIS if in the United States. They must present an I-20 issued in their name. They must also present other necessary documents required to establish eligibility for F-2 status. They must also provide proof of filiation or relationship with the F-1 Student like a marriage certificate or birth certificate.

HOW TO APPLY FOR AN F-2 VISA?

An F-2 visa can only be requested by a spouse or unmarried minor children if there is a principal F-1 visa holder. Dependents of F-1 students (spouse

WILL F-2 DEPENDENTS BE ALLOWED TO WORK?

No. F-2 dependents may not accept full or part-time employment, or engage in business activities under any circumstances while in the U.S.

WILL AN F-2 BE ALLOWED TO GO TO SCHOOL?

An F-2 dependent may only enroll in recreational or vocational courses. If they wish to study as a full-time student carrying a full course of study then they must apply for a change of status to F-1.

A minor child may attend elementary and secondary school on a full-time basis. When they reach the collegiate level, they must apply for an F-1, J-1, or M-1 visa to study on a full-time basis in the United States.

TERMINATION OF STATUS

The status of an F-2 dependent is terminated upon the completion of the F-1 student's program. Hence, they must leave within the 60-day grace period given to the F-1 to leave the country after the completion of his study program.

ALLOWED EMPLOYMENT WHILE ON F-1 VISA

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An F-1 student may work on-campus or off-campus. If he or she wants to work within the school premises he or she only needs to apply with the school provided he or she maintains full course of study and has an unexpired I-20. However, if he or she wants to work off-campus there must be a valid job offer from a USCIS authorized employer to be able to apply for a work authorization permit. He or she can opt for a USCIS authorized Curricular Practical Training (CPT) or Optional Practical Training (OPT) when offered by the school as an integral part of the course.

SOCIAL SECURITY NUMBERS

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To be able to have a social security number an F-1 must first be legally employed through on campus work or off-campus CPT or OPT.

FEDERAL AND STATE INCOME TAXES

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FOREIGN STUDENTS AND SCHOLARS

Aliens temporarily present in the United States as students, trainees, scholars, teachers, researchers, exchange visitors, and cultural exchange visitors are subject to special rules with respect to the taxation of their income.

There is no minimum dollar amount of income, which triggers a filing requirement for a nonresident alien, including foreign students or foreign scholars. The dollar limit thresholds which trigger a filing requirement for a U.S. citizen or a resident alien do not apply to nonresident aliens. A nonresident alien whose only U.S. source of income is wages is not required to file a U.S. federal income tax return unless his U.S. source wages exceed the personal exemption amount. Please refer to Publication 501, Exemptions, Standard Deduction, and Filing Information, to determine the personal exemption amount.

WHO MUST FILE

Filing is required by nonresident alien students and scholars who have:

- A taxable scholarship or fellowship, as described in Chapter 1 of Publication 970, Tax Benefits for Education;
- Income partially or totally exempt from tax under the terms of a tax treaty; and/or
- Any other income, which is taxable under the Internal Revenue Code.

Filing IS NOT required by nonresident alien students and scholars who have income ONLY from:

- Foreign sources;
- Interest Income from:
 - a U.S. bank
 - a U.S. savings & loan institution
 - a U.S. credit union
 - a U.S. insurance company
- An investment, which generates Portfolio Interest (Described in Chapter 3 "Exclusions From Gross Income" - "Interest Income" - "Portfolio interest" of Publication 519, U.S. Tax Guide for Aliens);
- A scholarship or fellowship, which is entirely a Tax Free Scholarship or Fellowship as described in Chapter 1 of Publication 970, Tax Benefits for Education; and/or
- Any other income, which is nontaxable under the Internal Revenue Code. However, income, which is not taxable because of an income tax treaty must be reported on a U.S. income tax return even though no income tax is due on the U.S. income tax return.

10 ACCESSING PUBLIC BENEFITS

FOREIGN STUDENTS AND SCHOLARS

Every foreign national when acquiring a visa is presumed to have "immigrant intent" and so it is important that one demonstrate, to the satisfaction of the consular officer, that the trip is temporary and that he or she has a residence in a foreign country, which he or she has no intention of abandoning. The consular officer makes this determination based upon the information provided by the applicant and determines whether the purpose in the United States is to temporary. The officer would always look into a well-established professional career in the student's home country or evidence of assets as sufficient proof to overcome this intent. The United States denies foreign nationals a visa when they do not pass the "liable to become a public charge test". It will not allow any foreign national to migrate without a valid job offer from a U.S. employer or any substantial means of livelihood because it would only show that they will be a financial burden or "public charge" to the U.S. government upon arrival.

Public charge is defined as "primarily dependent on the

government for subsistence." Those benefits that provide either cash assistance for income maintenance or long-term residential institutionalization are relevant to a public charge screening.

The U.S. government has provided a certain guideline in the determination of what benefits are considered as a presumption of public charge on a foreign national when availed. If you obtain a benefit outside of this guideline, you will have a presumption of being a public charge and any request for an immigration application may be rejected.

WHAT PUBLICLY FUNDED BENEFITS MAY NOT BE CONSIDERED FOR PUBLIC CHARGE PURPOSES?

According to USCIS the following are not considered as "public charge":

Non-cash benefits (other than institutionalization for long-term care) are generally not taken into account for purposes of a public charge determination.

Special-purpose cash assistance is also generally not taken into account for purposes of public charge determination.

Non-cash or special-purpose cash benefits are generally supplemental in nature and do not make a person primarily dependent on the government for subsistence. Therefore, past, current, or future receipt of these benefits do not impact a public charge determination. Non-cash or special purpose cash benefits that are not considered for public charge purposes include:

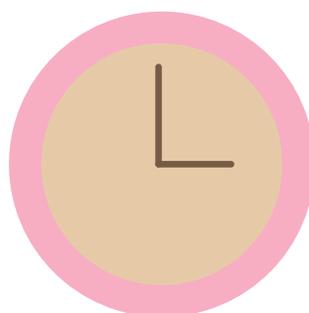
- a) Medicaid and other health insurance and health services (including public assistance for immunizations and for testing and treatment of symptoms of communicable diseases; use of health clinics, short-term rehabilitation services, and emergency medical services) other than support for long-term institutional care
- b) Children's Health Insurance Program (CHIP)
- c) Nutrition programs, including Food Stamps, the Special Supplemental Nutrition Program for Women, Infants and Children (WIC), the National School Lunch and School Breakfast Program, and other supplementary and emergency food assistance programs
- d) Housing benefits
- e) Child care services
- f) Energy assistance, such as the Low Income Home Energy Assistance Program (LIHEAP)
- g) Emergency disaster relief
- h) Foster care and adoption assistance
- i) Educational assistance (such as attending public school), including benefits under the Head Start Act and aid for elementary, secondary, or higher education
- j) Job training programs
- k) In-kind, community-based programs, services, or assistance (such as soup kitchens, crisis counseling and intervention, and short-term shelter)

State and local programs that are similar to the federal programs listed above are also generally not considered for public charge purposes. Please be aware that states may adopt different names for the same or similar publicly funded programs. It is the underlying nature of the program, not the name adopted in a particular state, which determines whether or not it should be considered for public charge purposes. In California, for example, Medicaid is called "Medi-Cal" and CHIP is called "Healthy Families." These benefits are not considered for public charge purposes.

In addition, and consistent with existing practice, cash payments that have been earned, such as Title II Social Security benefits, government pensions, and veterans' benefits, among other forms of earned benefits, do not support a public charge determination. Unemployment compensation is also not considered for public charge purposes.

WHAT IS THE EFFECT OF OBTAINING BENEFITS OUTSIDE THOSE OF LISTED ABOVE?

An immigrant petition or a green card application may be denied by the U.S. government, or the visa revoked.



CARMEN VILLAMOR

Legal care for the immigrant family