

Know the F-A-C-T-S: Maintaining your F-1/ J-1 Nonimmigrant Status 2018-2019

This document may be the most important thing you read while you are in the United States. The office of Global Student & Scholar Services (GSSS) has prepared this information to help you follow the rules of your visa category and maintain your legal status in the United States.

Please read this handbook carefully. It is your responsibility to know and obey F-1 or J-1 Exchange Visitor status regulations.

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U.S. Citizenship and Immigration Services (USCIS) for F-1 students and the Department of State (DOS) for J-1 Exchange Visitors each have regulations regarding how to maintain visa status, as do other U.S. Government agencies.

While you are in the U.S. you must meet all of these obligations continuously to be considered “in status” or “maintaining your visa status.” Global Student & Scholar Services is available to assist you with maintaining your status; however, it is your responsibility to know and follow the regulations. This handbook explains the basics of maintaining your status, dividing the rules into 5 categories, which together spell out the word FACTS. Keep in mind that regulations and practice do change, so this document should not be considered the final word.

Please remember that the most important thing you can do to maintain your immigration status is to keep in touch with your immigration advisor. Immigration advisors are approved by the Department of Homeland Security as Designated School Officials or DSOs, and/or by the Department of State as either the Responsible Officer or an Alternate Responsible Officer– RO or ARO. A person without this designation should never be giving you immigration advice.

Before you begin learning the FACTS, there are some very basic terms you should know. Details on these and other terms are available in appendix B.

- **SEVIS**—U.S. government database tracking international students and Exchange Visitors
- **Status**- your status controls the type of activities that you may participate in while you are in the United States – your status usually matches the visa in your passport, but not always
- **DHS** – U.S. government agency that regulates the type of activities permitted by different immigration statuses USCIS is a part of DHS and governs certain benefits and applications

- **I-20/DS-2019** documents that show the program of study or scholarship that you are engaged in in the U.S. I-20s are for F-1 students; DS-2019s are for J-1 Exchange Visitors (EV)

F= FULL TIME STUDENT

Your F or J visa allows you to request entry to United States for a specific activity – study (or scholarly activities for J-1 EV Scholars). If you are not a full time student (or scholar), the U.S. government believes you have no reason to be here. So what does it mean to be a full time student?

You must complete (not just register for) a full course load each term:

- 18 contact hours or more for English Language Institute (ELI) students
- 12 credit hours or more for undergraduate/Bachelor's and post-baccalaureate students
- 8 credit hours or more for graduate/Master's students
- For F-1 academic students, only one online class of up to three credits can be counted towards a full time requirement in any term. Students who take online credits as part of a full time load must meet minimum credits of classroom instruction at all times, in addition to the total number of credits required:
 - Undergraduate/ bachelor's/post-bachelor's students must have at least 9 credits traditional classroom instruction each term;
 - Graduate/master's students must take at least 5 credits of traditional instruction classes.
 - English Language students may not take any distance education courses to meet full time requirements.
- J-1 Exchange Visitor students must check with their immigration advisor before registering for any online courses or enrolling less than full time in any term.
- Pro Tip: Use the “campus” function in Schedule Planner to select physical campuses and avoid online classes altogether
- Audited classes do not count toward the full-time requirement.
- If you withdraw from a class at any time during the term, that class cannot count toward the full-time requirement.

Attend only the university named on your I-20 or DS-2019. There are some exceptions, but you must get approval from your immigration advisor first.

- **Concurrent enrollment:** Enrolling at EWU and taking some classes somewhere else at the same time is allowed only with prior permission from a DSO or A/RO. Students must request concurrent enrollment authorization in advance using the online concurrent enrollment request form. Academic advisors must provide supporting information for the request.

- Concurrent enrollment is approved for immigration support if the class has an equivalent at EWU (or an equivalency can be established), is necessary for degree completion, and is not available for timely graduation at EWU. Exceptions are considered on a case-by-case basis with academic advisor input.
- Students must provide proof of enrollment in the specific class requested at the host institution, and must still have the majority of classes taken at EWU during terms with concurrent enrollment. Final transcripts from the host university must be submitted to EWU's office of the Registrar as soon as grades are available – even if you do not pass the concurrent class. Failure to submit transcripts by the end of the following term may result in a violation of F- or J- status. Transcripts should be sent directly to:

EWU
Records and Registration
201 Sutton Hall
Cheney, WA 99004

Make normal academic progress.

- F-1 students should meet with academic advisors in the Center for Academic Advising and Retention (CAAR) or in their major department to create a study plan. J-1 Exchange Visitor students should meet with their immigration advisor and may also meet with an academic department advisor depending on their program. Follow your study plan carefully and check in with your academic advisor regularly.
- It is okay to fail a class from time to time, but if you are passing less than 67% of your classes, or it becomes impossible for you to graduate on-time, you may be considered out of status. Re-taking classes (even for a better grade required by a program), failure to follow academic advisor or program guidelines are not grounds for an extension of a form I-20 or DS-2019.
- Normal academic progress also requires adherence to academic integrity policy guidelines at all times. The academic integrity policy can be found in the University catalog online <http://catalog.ewu.edu/>. We recommend that you talk to your professors about class assignments and expectations for your work in each class. You may be surprised by what your professors consider “cheating.”
- Attend all of your classes, every day. Remember that if you are not in the classroom then there is no reason for you to be in the U.S. as a student. Classroom attendance and participation are a basic expectation of the U.S. higher education system, as is timely submission of all academic work.

Enrolling less than full time for any reason requires permission in advance

- If you do not intend to register for a full course load, or if you need to drop below a full course load for any term, including summer, make an appointment with an immigration advisor before taking any action – even if you are failing a class or if you believe that you are eligible for a vacation.

- Reduced Course Loads (RCLs)- If you need to take less than a full time class load, you must request and be approved for a “Reduced Course Load” before the term starts or before you drop classes. There are only certain reasons reduced course loads are permitted, and GSSS must have supporting documents before approving anything. The following can be considered justifications for requesting a Reduced Course Load
 - *Academic Difficulties* – Academic difficulty reduced course loads are available one term per level of study, usually only in the first term. This is not available for English Language students. Specific academic difficulties are initial difficulty with English or reading requirements, unfamiliarity with U.S. teaching methods, or improper course level placement.
 - *Medical or Mental Health Conditions* – If you have a physical or mental health condition or an illness you will need to show a recommendation from a health care professional to request a reduced course load.
 - Only documents from the following professionals can be accepted by law: U.S. licensed *medical doctor* (M.D.), *doctor of osteopathy* (O.D.), or licensed *clinical psychologist* (L.C.P. or L.P.). Letters must be original documents, signed by an MD, DO, or LP, include their license number, must indicate a specific diagnosis or condition and explicitly recommend less than full time study with designated time period.
 - Permission can only be granted one term at a time.
 - The total authorized time may not exceed 12 months combined in a level of studies. New, updated support documentation is required to renew medical authorization for a reduced course load for any future term.
 - If you have a chronic (ongoing or permanent) medical condition that will affect your ability to be full time, please schedule an appointment with your immigration advisor.
 - Please note that immigration regulations do not provide for “maternity leave” or “family leave.” Pregnancy, childbirth, and parenting are not considered an illness or injury by the Department of Homeland Security. A family member’s illness or injury is not grounds for a reduced course load, even for spouses, children, or siblings.
 - *Final Term in program of study* – If you have finished most of your required courses, and your remaining classes will equal less than a full time course load, you can request a reduced course load for your final term.
 - Supporting documentation is required from an academic advisor, faculty advisor, or other staff with the ability to verify courses needed to complete degree. Completing courses from previous terms does not count as enrollment during your final term.
 - Classes must be taken in-person (not online).

- *Registered for Thesis/Project class-* (Note: Only Master's/Doctorate Students are eligible.) This reduced course load authorization is only possible if you are actually registered in credits for your thesis or final project. Supporting documentation required from the student's thesis/project advisor or the Director of the Graduate Program. Master's students who cannot register for further thesis or project credit may need to apply for Optional Practical Training or take other steps to maintain valid status.

Annual Vacation:

- Summer Session: You are not required by USCIS to enroll in classes during the summer session unless summer is your first term in a new program (new level or reentry I-20) or you have taken a different vacation term within the three previous quarters, or two semesters, or plan to take a different term as your annual vacation.
- International students are permitted one annual vacation term per academic year. Summer term is considered Eastern's standard vacation. However, if you have been enrolled full time for three consecutive quarters, (including summer) at the same academic level, you may be eligible to request Fall, Winter, or Spring as your annual vacation term instead of Summer. Likewise, if you are on the semester system, and have been enrolled full time for two consecutive semesters, (including Summer) at the same academic level, you may be eligible to request Fall or Spring as your annual vacation term instead. However, you would not be eligible for vacation in the following summer. Request forms for annual vacation are available on our website.
 - You must let your immigration advisor know at the beginning of summer term (or earlier) that you want it to count as an academic term, so that you can take your annual vacation at another time.
- Failure to submit concurrent enrollment transcripts, reentry to correct status, and other individual situations may impact eligibility for vacation during any term. Please check with your immigration advisor to make sure you are authorized to take less than a full course load. J-1 Exchange Visitor students should verify with their immigration advisor that their program permits vacation.

A = AUTHORIZATION FOR TRAINING AND EMPLOYMENT

It is important to be aware that U.S. government interpretation of training and employment regulations is subject to change without notice.

Training is any kind of activity or learning outside the classroom that is related to your studies. Sometimes training is also considered employment.

Employment is any kind of activity that you do receive or should receive any kind of compensation for – you do not have to receive money, “compensation” includes anything of value. Any activity you take part in for which you receive some benefit can be considered employment – this includes getting paid in your home country if you are doing the activity in the United States. WHERE you are when you do the

“work” matters. Violating employment regulations can cause serious trouble for you. So what does authorization for employment and training look like?

Authorization is required for any training or employment activity, paid or unpaid.

Unauthorized employment is one of the most serious violations of your immigration status

- What is defined as “Employment” or “Work” for international students? Any activity that you engage in for any sort of remuneration or compensation.
 - 8 CFR 274a.1(f): “employee means an individual who provides services or labor for an employer for wages or other remuneration”
- *Remuneration* means anything given to you for providing a service. This might be a salary or wages, but it can also be room/board, travel expenses, meals or meal vouchers, textbooks, or other “real goods” in exchange for any service you provide.
- “Employment” or “work” can also mean activities which you should be paid for under the Fair Labor Standards Act, whether or not you actually do get paid. It also includes self-employment or contract employment. That means no opening a food cart, no driving for Uber or Lyft, no working for a company outside the U.S. if you are doing the actual work here, and so on.

Verify your eligibility first

- Before any kind of employment or training (including required internships, practicum, or student teaching activities) verify with your immigration advisor that you are in valid status before accepting employment or starting the activity.
- Never work off campus unless you have current authorization from an immigration advisor, your J-1 Program Sponsor, and/or the Department of Homeland Security (DHS). Even one day of work without authorization is a serious violation of status. Uber driving, house sitting, and other “casual” activities for remuneration of any kind are considered employment and can put you out of status.
- Any employment authorization ends immediately if you fall out of status, complete your studies, or have your I-20 or DS-2019 transferred. On campus work permission ends the last day of finals in your final term (grad students should discuss work authorization during thesis with an immigration advisor).

Documentation required

- If you do not already have one, you must apply for U.S. *Social Security Number* (SSN) if you will be paid for employment activities. Note that having an SSN does not mean you have authorization to work in the United States.

- During your studies, after you have a job offer, bring the letter of employment to GSSS to receive an application support letter and instructions on applying for a Social Security number.
- Students applying for OPT may include an SSN application in their OPT application, or may wait until OPT approval and apply with the approved Employment Authorization Document (EAD) card.
- If you have already been assigned an SSN by the U.S. Social Security Administration, that is your number for the rest of your life . Keep your SSN in a secure place.
- If you have a regular job, off or on campus, your employer has to complete *an I-9 Employment Eligibility Verification* form with you. In most cases, you will need to show your passport, I-20 or DS-2019 plus employment letter, and I-94 information to complete the form. If you have an I-766 Employment Authorization Document (EAD), that is sufficient by itself. Your employer is not permitted to ask you for specific documents, so it is a good idea to know what you need in advance.

On Campus Employment

On campus employment must be working directly for EWU itself or contractor that provides services on campus directly to EWU students (like on-campus coffee shops or restaurants). Note that Construction work or other activities that do not directly benefit students are not considered permissible on campus employment. Check with your immigration advisor to make sure you are allowed to accept specific jobs.

- On campus work for all students is limited to 19 hours or less per week during academic terms and may be full-time (more than 19 hours) during official school breaks and your authorized vacation term.
- Paid work on campus does not require additional authorization as long as you are an active academic F-1 student in valid nonimmigrant status. However, EWU's Student Employment requires you to apply for a Social Security Number before you will be permitted to begin work. Visit the Student Employment Office online and create a Handshake account to search for and apply for on campus employment. Unfortunately, international students are not eligible for on-campus work designated as a "work study" opportunities. Please check what type of on campus employment you are applying for. On Campus Employment for J-1 Exchange Visitor students requires written permission of an immigration advisor or Program Sponsor, before beginning employment. You must also apply for a Social Security Number before you will be permitted to begin work.

Off-Campus Employment

All off campus authorization requires special permission and has a limit on the number of hours that can be worked in one week. There are firm beginning and end dates for all off campus work. Note that permission must be renewed each time you wish to work.

- Off Campus employment is limited to academic students. English Language Institute students are not eligible.
- Any employment authorization ends immediately if you fall out of status, complete your studies, or have your I-20 or DS-2019 transferred.
- F-1 students require authorization on page 2 of the I-20 or an I-766 Employment Authorization Document (EAD) card from DHS for any off campus work or internship activities (paid or unpaid). J-1 Exchange Visitor students must have permission from their Program Sponsor to work off campus.
- F-2 dependents are not authorized for any employment, on or off campus, including “casual” employment like babysitting or driving an Uber or Lyft. They are also prohibited from working for a company in their home country while they are here in the United States. The U.S. government cares about where the person is while they work, not where the employer is.
- J-2 Exchange Visitor spouses may apply for work authorization with U.S. Citizenship and Immigration Services (USCIS). Please talk with your immigration advisor for details.

F-1 Curricular Practical Training (CPT): CPT is “employment” permission primarily used for internships, student teaching, required practicum activities, or other training outside the classroom that involves more than simple observation. It does not matter if you receive wages or a salary for CPT.

- CPT is available after one continuous academic year in valid student status (exception for Master’s students with program requirements to start in the first year).
- CPT must be “integral” to your program of studies: either a requirement for your program or you are receiving course credit in your major that will count towards graduation requirements. The class or requirement should be in the EWU Catalog for your program of studies.
- Classes, even if credit bearing and required for a major, cannot be considered for CPT if the requested activity is “recommended” rather than required for course completion.
- Traditionally, accumulating 12 months of full time CPT makes you ineligible for OPT at same level, but part time CPT has not been limited. USCIS has recently reinterpreted this rule and may count part time CPT towards the 12 month limit as well.
 - Recently there have been reports of USCIS aggregating all practical training authorizations under 8 CFR 214.2(f)(10), which may impact future applications to USCIS such as H-1B work authorization applications. Students should be cautious to protect future options.
- To apply, submit all of the following information as soon as possible and at least two weeks before beginning your internship activities. Note that the information must be verified and may need to be clarified, so submit as early as possible:
 - Completed CPT Request Form signed by your academic advisor and proof of enrollment in appropriate course/proof of program requirement,
 - Learning contract, if applicable,

- Letter from employer on company letterhead stating job title, duties, number of hours/week, wage (if any), location, start and end dates, and supervisor's name and contact information; and
- Any other information documenting the academic nature of the proposed activity.
- If your CPT activity is approved, your immigration advisor will issue a new I-20 with CPT authorization and approved site/activity information.
- You must have this new I-20 before engaging in any training activities.
- Any changes to CPT require updated authorization in advance.
- CPT work permission is only valid while you are an active student. It cannot go past the end of your final term (Master's students should discuss work authorization during thesis with an immigration advisor).

F-1 Optional Practical Training (OPT): OPT is employment permission authorized by U.S. Citizenship and Immigration Services. You will need to work with your immigration advisor for the application process. Employment activity – paid or unpaid—must be directly related to your major field of studies. Optional Practical Training, while permitted during your studies, is primarily used after completion of studies (degree awarded) as a one-year employment opportunity in the U.S.

- OPT is available to F-1 students only after one continuous academic year in valid student status.
 - If you have been enrolled full time in another status and changed to F-1 through a change of status application or re-entering with a new F-1 visa, you may be eligible to apply for OPT.
- Any OPT employment activities must be directly related to your major and appropriate to level of study, but OPT is not tied to specific classes or program requirements.
- 12 months of OPT (pre-and post-completion, combined) are available per higher level of study. If you do not use it immediately at a level of studies, you cannot claim it later.
- 24 month extensions are available for some Science Technology Engineering and Mathematics (STEM) students. See OPT information packet for additional information.
- Apply for post-completion OPT before finishing program (no more than 90 days) or up to 60 days after. Untimely applications will be rejected by USCIS.
- USCIS approval can take three months or more.
- Fee required with application (\$410 at this writing, verify before application)
- I-9 and Social Security Number required for paid employment. You may apply for a Social Security Number as a part of your OPT application.
- Request an OPT packet for additional information.
 - Recently there have been reports of an aggregate of more than 12 months of practical training – OPT and CPT together – causing problems with H-1B work authorization

applications. Students should be cautious of appearing to be using CPT and OPT as work permission rather than training in their field of studies.

F-1 Economic Hardship: Students who face serious and unforeseeable economic problems, through no fault of their own, may be eligible to apply to USCIS for employment based on economic hardship.

- In order to be eligible, students must meet the following criteria:
 - Have been in lawful F-1 student status and have been a full time student in good standing for at least one full academic year at the current level of studies before applying.
 - Able to show USCIS that employment is necessary due to unforeseen and unforeseeable severe economic hardship caused by circumstances beyond the student's control; examples are natural disasters or major economic crisis in a student's home country, or the death of a financial sponsor.
- Discuss your financial concerns with your immigration advisor as early as possible in order to determine eligibility and timing. Your advisor will also need to provide an I-20 for your application.
- Applications are submitted to USCIS and require a substantial fee (although you may apply for a fee waiver) and takes three months or more for approval.
- Cards are valid for no more than one year; a student may reapply annually until completion of program.
- Authorization and eligibility end on program completion.
- If approved, employment does not have to be related to your studies

J-1 Exchange Visitor Academic Training (AT): J-1 EV students can apply for off campus work authorization directly related to their program of studies. If you are a J-1 EV, please meet with your immigration advisor to discuss your options.

- Approval for AT requires that the student be in good academic standing.
- AT is not available for all Exchange Visitor Programs; contact your immigration advisor or program sponsor for information.
- AT requires a job/internship offer directly related to your field of studies.
- AT must be approved in advance by an immigration advisor or J-1 Program Sponsor, academic program advisor, and academic department.
- An Exchange Visitor may be authorized for AT up to the same length of time you take classes in your EV program (up to 18 months).
- The start date for AT can be anytime during your studies or up to 30 days afterwards (but must be approved prior to completion of studies).

- Sponsors must also "evaluate the effectiveness and appropriateness of the academic training in achieving the stated goals and objectives" of the academic training they grant.

C = CURRENT DOCUMENTS

It is important that all of your immigration documents are correct & up to date at all times. GSSS reports on all students and Exchange Visitors every term and whenever your information changes. Your immigration advisor needs your help to provide current information.

- Submit a student datasheet <http://sites.ewu.edu/globalforms/international-student-datasheet/> by the 10th day of your first term, and each Fall term thereafter. Datasheets are used in the process of updating your records with the Department of Homeland Security. You must submit full, complete, and accurate information, especially local residential address (including both street address and apartment #), valid phone number, and working Eagles email address in order to facilitate reporting at the start of the year.
- If any of the required datasheet information changes at any point during the year, you must update GSSS immediately. Failure to submit timely updates is a violation of status.
 - If you change where you live – even to a different apartment in the same building, let us know immediately. <http://sites.ewu.edu/globalforms/immigration-updates/> You are required to provide the information within 10 days. Make sure you include the house or building number, street name, apartment number or letter (if you have one), city, and zip code. If you have trouble finding all the information, come see us. Updating the EWU general system with accurate information through the myEWU portal (<https://my.ewu.edu>) is equally important and is your responsibility.
- Your I-20 or DS-2019 must be valid with correct and complete information at all times. Check your program completion dates and area of study, and ask for updated documents when something changes.
 - Never throw away an old document even when no longer valid. You may need it 20 years from now.
- Check the I-94 Arrival Departure Records and passport stamps for yourself and any dependents immediately after every arrival in the United States to make sure that you have been admitted in the correct status (F-1, J-1) and time period (D/S or “Duration of Status”). Visit <https://i94.cbp.dhs.gov/I94> to review your electronic record. Provide a copy to GSSS for your file each time you return to the U.S.
 - If you have trouble finding your I-94 record, or you find it has errors, GSSS can help. Failure to verify your admission status and/or correct errors after each arrival in the U.S. may result in a violation of status, accruing unlawful presence, and a potential ban on reentering the United States for 3 or 10 years.
- Submit copies of any new immigration documents whenever you receive them (passport, visa, I-94 records, and so on). <http://sites.ewu.edu/globalforms/immigration-updates/> You may also bring documents directly to the office and we will scan them for your file.

- Your passport must always be valid while you are in the United States – do not let it expire during your stay. Only the issuing country can help you with renewal or replacement – contact your government’s Consulate with jurisdiction over Washington State as soon as possible if you need to replace or renew your passport. In the case of loss or theft, some Consulates require that a police report be filed.
<https://travel.state.gov/content/travel/en/consularnotification/ConsularNotificationandAccess.html>
- You are required to carry your immigration “registration” document (I-94 or Employment Authorization Document card) with you at all times while you are in the United States. It is wise to keep a copy of your passport and visa with you as well if you are off campus and/or keep a copy securely in the cloud where you can access it easily.
 - The penalty for failing to have your I-94 is harsh – a fine of up to \$100 and/or up to 30 days in jail.
- Be sure you have signed your I-20 or DS-2019, and I-20s for F2 or J2 dependents.
- Pay attention to your academic progress and apply for an extension of your I-20 or DS-2019 as early as possible and at least 30 days before the expiration date, if needed.
 - Immigration regulations permit extensions only under specific circumstances, so having time to research and determine eligibility and resubmit with additional documentation is very important. Late applications can result in denials when eligibility is not clearly established.
 - I-20s cannot be extended after they expire – even one day.
- Nonimmigrant students must maintain valid health insurance that meets Department of State requirements and EWU standards at all times. Waivers for the EWU insurance must be submitted or renewed each term by the 1st day of class. Insurance is required for J-1 Exchange Visitor students doing AT, and is available on a quarterly basis by request to students participating in post-completion OPT. Further information on EWU insurance and the waiver process is available on the EWU Global website <http://global.ewu.edu/students/insurance/>

T = TRANSITIONS, TRANSFERS, TRAVEL, and TAXES

There are a lot of items in the T category – changing schools, changing your level of study, travel both within and outside the U.S., how long you can stay after your stay in the country, and filing tax forms every year.

T.1 Transitions

F-1 students must request a new I-20 from GSSS whenever you make a change in degree level and/or declare/change/ add a major or minor at EWU. Make sure all the information on your I-20 is accurate at all times.

Completing your program at EWU and completing Practical or Academic Training:

- Your program of studies does not end on your graduation date or at commencement. In most cases, your program of studies ends on the last day of final exams in your last term.
- Notify GSSS when you finish your academic program (completing your studies is the end of your program, no matter what the end date on your I-20 or DS-2019 says). Your SEVIS record will be updated to reflect your correct end date. Your SEVIS record will also be shortened when GSSS receives notification that you have finished your studies from the Registrar's office or academic department. If you are returning home, and will be completing the last requirements by distance education, inform your advisor right away.
- F-1 students who finish their program of studies or degree have 60 days "grace" to apply for Optional Practical Training work authorization, transfer to a new university, change level of study, apply for a change of status, or leave the U.S. If transferring, you must be enrolled in your new program within five months of completing your studies. Grace periods generally start the day after the final date of study.
 - Changes of status must generally be approved before the expiration of your grace period, so it's best to have a conversation with your immigration advisor about your plans early on, or consult an immigration attorney.
- J-1 Exchange Visitor students have 30 days "grace" to leave the U.S. after completion of program or post-studies Academic Training employment
- Grace periods apply only to students who have completed a full course of studies.
- Completion of OPT period – a student who finishes a period of authorized post-completion (after degree) OPT with less than 90 days of accumulated unemployment time are permitted a 60 day grace period to transfer, change level of study, apply for change of status, or depart the U.S. If you are transferring, you must be enrolled in your new program within five months of completing OPT. STEM extension applications must be submitted before OPT expires.
- J-1 Exchange Visitor students and scholars may be subject to the INA 212(e) "two year home residency requirement." J status visitors subject to 212(e) are not permitted to return to the U.S. in H, L, or Lawful Permanent Resident (LPR) visa status until after at least two years have been spent in the home country after EV program completion. Return to the U.S. in other statuses such as F-1 may be permitted, but it can be challenging to be approved for a visa. Participating in another EV program can re-set the 212(e) clock. If you are subject to the rule, keep careful records of all of your travel home after you finish your program(s).

Taking a leave of absence during your studies, or withdrawing from your studies:

- Unauthorized withdrawal – Students who withdraw from classes or stop attending without authorization must leave the U.S. right away or take steps to re-establish F-1 status. Complete an authorized withdrawal process if leaving EWU permanently whether or not you have completed your studies (see below). There is no grace period for unauthorized withdrawal and Unlawful Presence days may begin to accrue immediately.

- F-1 Authorized Early Withdrawal: (Note: see an immigration advisor before withdrawing), F-1 students who complete an authorized early withdrawal <http://sites.ewu.edu/globalforms/leave-of-absencewithdrawal-notification/> are permitted a 15 day grace period to leave the U.S. Authorized Early Withdrawal may be used by F-1 students both for permanent withdrawal from EWU or when a leave of absence outside the U.S. is needed and a vacation term is not available. Note that a leave of absence may have an impact on vacation eligibility for a full academic year.
 - Students taking a leave of absence are permitted up to five months to return and resume studies.
 - A leave of absence should be requested by the first day of classes if you are not enrolled, or prior to dropping any classes if the term has started in order to permit return on the same SEVIS record.
 - Students wishing to return from a leave of absence should contact an immigration advisor as soon as possible, as government reactivation of immigration records can be time-consuming.
 - Failure to depart after your authorized early withdrawal will be considered a violation of status. Note that your SEVIS record cannot be reactivated if you do not depart in a timely manner. You will have to apply for reinstatement with USCIS or re-enter with “new” F-1 status to rectify your status.
- J-1 Exchange Visitor Authorized Early Withdrawal: (Note: see your immigration advisor or Program Sponsor before withdrawing) EV students who need to withdraw early are not permitted a “grace period” under the regulations, so it is important to coordinate with your immigration advisor and/or Program Sponsor on the date of your withdrawal and departure from the U.S.

T.2 Transfers

Transfers involve two separate parts – *academic* and *immigration*. GSSS helps you with the immigration part by transferring your SEVIS record, if appropriate, to the new school so they can issue an I-20 or DS-2019. Students should request transcripts and other academic records from the Registrar’s office. Students are also responsible for dropping any classes.

- F-1 students intending to transfer to another university must submit an EWU - GSSS Transfer Out Request Form along with proof of admission to the new school to request that their SEVIS record be transferred. <http://sites.ewu.edu/globalforms/transfer-out-request-form/>
- F-1 students who complete a program of studies can transfer their SEVIS record up to 60 days after the last day of the last term of studies in most cases. Please see a GSSS advisor for help understanding when you can transfer.
- If you are transferring during the academic term but *before* you actually complete your program of studies, you must remain enrolled and attend classes at EWU until your transfer takes effect to maintain your status.

- Immigration advisors will complete transfer clearance forms from other institutions as time permits, but we cannot transfer your SEVIS I-20 or DS-2019 record based on another school's transfer form.
- J-1 EV students wishing to transfer should discuss with your program sponsor or immigration advisor; some programs and sponsors do not allow transfers. When transfers are allowed they require close coordination between the new school and EWU.

T.3 Travel

Inside the United States, U.S. Border Patrol has the authority to search vehicles without a warrant within 100 miles of the U.S. Border. That covers most of Washington State, including Spokane. The law requires nonimmigrants (F and J visa statuses) to provide information on immigration status if asked by a legitimate DHS officer (you may ask for ID and a badge number). Anyplace outside of the immediate campus area, you should carry at least a copy of your passport, I-94 information, and I-20 or DS-2019 to prove legal presence in the U.S.

Outside the United States

- If you will be traveling outside the U.S. and intend to return to the U.S. in the same visa category to resume your studies or Exchange Visitor program activities, you need:
 - Form I-20 or DS-2019 endorsed for travel within the last year,
 - Travel signatures for yourself and any dependents are given on page 2 of your I-20 or bottom of your DS-2019 before departing the U.S. The most recent signature should be no more than one year old on the day you return to the U.S. We can sign every six months or so if you feel more comfortable or if you have a visa appointment during your trip.
 - J-1 EV students must have the signature from the Program Sponsor that issued the DS-2019 and may need additional steps; please contact your immigration advisor or Program Sponsor for guidance as soon as possible.
 -
 - A current passport, valid for at least six months when you return to the U.S.,
 - Visa for your destination country, if required for your nationality,
 - A valid visa for return in the correct status (unless you are Canadian or participating in Automatic Revalidation (see note below), and
 - F-1 students participating in post-completion OPT also need their EAD and proof of employment.
- Recommended, but not absolutely required:
 - Proof of financial support to pay living expenses and tuition,

- Contact information for the designated school official at the SEVP-certified school you attend, GSSS's main number is 509-359-2331 the 24 hour on-call number is 509-389-7575,
- Transcripts (official is better, but unofficial is okay) and a schedule for next academic term to show that you are a serious student, and
- I-901 SEVIS fee receipt (retrieve from <https://fmjfee.com/i901fee/>).
- Always allow for plenty of time between arrival in the U.S. and your flight to your final destination. 4 hours or more is best. Customs and Border Protection (CBP) delays for anyone pulled into “secondary inspection” can be lengthy.
 - Being pulled into secondary inspection is often a case of the Customs officer at the line not being able to determine whether or not to grant entry within 60 seconds. If you are pulled into secondary inspection, stay calm and polite, and know that it may take a while to resolve, but it does not mean that you are in trouble – only that Customs and Border Protection needs more information before making a decision.
- Bring your I-20 or DS-2019 to GSSS as early as possible to request a signature, or as soon as you know you might be traveling. You do not need to have specific travel plans to request a signature. You may also come to travel clinics held near the end of each quarter for same-day signatures.
- Do not wait until the last minute to request travel authorization. You must be maintaining your status in order for the immigration advisor to sign your document; your status has to be confirmed and validated before a DSO can sign, so signatures are rarely available on a same-day basis, except on travel clinic days. An I-20/DS-2019 can be mailed to you at your expense if you’ve submitted the request too late to get a signature before departing, or left your signed document in the U.S. accidentally or lost it at home. Please request replacement early.
- U.S. F and J visas are valid for entry right up to the day they expire unless they are cancelled. If you need to renew your visa, U.S. visas and extensions for U.S. visas are not available in the United States. All U.S. visas must be obtained abroad. We strongly recommend visiting U.S. Consulates in your home country whenever possible; third country applications are often difficult. Come in and discuss your questions about visa renewals with an immigration advisor.
- It is important to be aware that visas are automatically “provisionally revoked” when a foreign national in the U.S. is arrested for driving under the influence of alcohol or drugs or is convicted of any drug offense. Even if you were never convicted, served no jail time, and did not need to pay a fine, your visa has probably been canceled. A notification is supposed to be sent to the email address used to apply for your visa --you may or may not get that notification. Any arrest or conviction on domestic violence charges can also prevent re-entry to the United States. The process for getting cleared for a new visa under these circumstances is lengthy and challenging. If you have an arrest record of any kind, please discuss it with your immigration advisor before traveling.
- Any admission of using, buying, or trading any illegal drug, including marijuana, can also result in denial of admission to the U.S. and your visa being cancelled.

- *Automatic Revalidation of Visas* --If you are in valid status, are continuing your studies, and have an expired visa but want to go to Canada or Mexico or a few of the “adjacent islands” for less than 30 days, it is possible to use “automatic visa revalidation.” Please come talk to your immigration advisor before doing this. Adjacent islands eligible for this benefit are currently defined as Saint Pierre, Miquelon, the Dominican Republic, Haiti, Bermuda, the Bahamas, Barbados, Jamaica, the Windward and Leeward Islands, Trinidad, Martinique, and other British, French, and Netherlands territories or possessions in or bordering on the Caribbean Sea, but NOT Cuba. If you apply for a visa on your trip, that nullifies the automatic revalidation benefit. Note: this process does not apply to nationals of U.S. Department of State designated state sponsors of terrorism. <https://www.state.gov/j/ct/list/c14151.htm>

T. 4 Taxes

Taxes – All individuals present in the U.S. during a calendar year must submit tax information to the U.S. Internal Revenue Service (IRS) for that year, whether or not you have been employed. Submitting tax information does not necessarily require you to pay U.S. income tax; for most students it means filing a form showing you are not required to pay U.S. taxes or file a tax return at this time. GSSS provides free access to tax software designed for nonimmigrants to help you, but you are responsible for filing your tax forms each year.

- You will be subject to the tax filing requirement even after program/degree completion and departure from the U.S. Access codes to the software will be sent to your Eagles email address when available the following spring.
- Non-resident aliens for tax purposes have automatic 14% withholding on taxable scholarships (anything other than tuition, academic fees, and books) and EV scholars have 30% automatic withholding on honoraria.
- If you have been in the U.S. for in previous years but never filed tax forms, you can file forms for the missing years – and you should do so. The tax software we purchase can help you with that for an extra fee that you pay directly.
- Unless you have firm confirmation that you are a “resident alien for tax purposes” according to the IRS, we recommend that you do not use commercial services (H&R Block, TurboTax, and similar products or companies). Authorized IRS Volunteer Income Tax Assistance (VITA) site that is trained for non-resident alien taxes specifically are good sources of assistance and information.
 - For details on the filing obligations of nonresident aliens, see IRS Publication 519 <https://www.irs.gov/forms-pubs/about-publication-519>.
- You should always keep a copy of any tax documents you file with the U.S. government. You may need them to apply for an immigration benefit in the future.

S = SEVIS: STAY IN STATUS AND STAY IN TOUCH

SEVIS (Student & Exchange Visitor Information System) is the government database tracking system that requires GSSS to report specific events in the lives of all international students on a regular, frequent, and ongoing basis. Due to this close tracking, it is vital that you stay in status by following all nonimmigrant regulations and stay in touch with your immigration advisor so that you can avoid accidental violations.

- Your I-20 or DS-2019 is issued using the SEVIS system and your SEVIS record is “real time” information regarding your status (like a snapshot of that moment).
- SEVIS deadlines are based on specific dates, and are automatic and inflexible. In many cases, SEVIS prevents certain actions (like extensions) if they are submitted even a single day late. Talk to your immigration advisor early and often, and know that the deadlines are firm. Be aware of any new federal regulations when they are released by the USCIS. New regulations and guidance may dramatically change any of the above requirements or add others. GSSS makes every attempt to communicate changes to students. However, it is your responsibility to know immigration program requirements by attending orientations, public information meetings on campus, following the [EWU Global website](#) and [Facebook page](#), and visiting the [USCIS website](#), or the [Department of Homeland Security’s Study in the States website](#) regularly.
- Read your student email (@eagles.ewu.edu) every day. This is where formal immigration notifications will be sent to you.
 - If you get immigration information in your student email – READ IT. If you have any questions – come in and talk to your immigration advisor.

Dependents: F-2 and J-2 dependents (spouses and children) have their own rules.

- F-2 Status is for a spouse or child of the F-1 principal; J-2 status is for a spouse or child of J-1 principal Exchange Visitor.
- Status for F-2s and J-2s is dependent on the F-1 or J-1 Exchange Visitor principal alien’s status – dependents are required to depart from the United States "upon the termination of the status of the principal alien" unless the F-1 is applying for reinstatement. Dependents are subject to arrest, detention, and deportation based on the actions of their F or J – principal visa holder.
- Study in F-2 status:
 - F-2 spouses may not engage in full-time study, but may enroll in classes or a degree program part time.
 - If an adult F-2 wishes to engage in study full-time the F-2 must change status to F-1 through a change of status with USCIS or obtaining an F-1 visa abroad and re-entering in F-1 status. Contact an immigration advisor in GSSS for assistance and current information.

- F-2 children may only engage in full-time study at the K-12 level (elementary and secondary). In Washington State, any child 8-18 years old must be enrolled in school by law (RCW 28A.225.010).
- NO employment of any kind is ever allowed in F-2 status; this includes casual employment and working from home, even if the employer remains outside the U.S. F-2s may volunteer under some circumstances, but check with an immigration advisor first.
- For additional dependent information for J-1 Exchange Visitor visa holders, please see a GSSS immigration advisor.
- Note that universities are not permitted to issue I-20s or DS-2019s for any U.S. citizens, including U.S. born dependents of non-immigrants. Spouses and children with U.S. citizenship or dual citizenship should obtain U.S. passports and travel as U.S. citizens.

What happens if I forget or ignore the F-A-C-T-S and violate my nonimmigrant status?

If you violate nonimmigrant visa regulations, by committing a “reportable act” or by failing to meet requirements, your SEVIS record “terminates,” and you become potentially subject to arrest, detention, and deportation. Dependents are also subject to these penalties based on your violation of status.

You and your dependents may become subject to “visa overstay” and “unlawful presence” provisions of U.S. law. Even if GSSS is not aware of a violation, it may show up elsewhere in your immigration record and overstay and unlawful presence provisions can be backdated. See the chart below.

There will be a “flag” on future visa applications and applications to enter the U.S., even in a new legal status. This will follow you around for years, possibly forever. You are likely to be stopped by Customs and Border Protection and pulled into secondary inspection whenever you enter the United States.

	222(g)	212(a)(9)(B)
Keywords	• Visa overstay; overstay • Cancellation of visa • Visa Shopping	• Unlawful presence • 3- and 10- year bars
Triggers	• Entered on nonimmigrant visa and remained “beyond the period of stay authorized by the Attorney General”	• Present “after the expiration of the period of stay authorized by the Attorney General” , including SEVIS termination; failure to depart the US after withdrawal, staying beyond grace periods or • Entered without being admitted or paroled AND • Remained unlawfully present for more than 180 consecutive days, and Departed as described above
Penalties	• Cancellation of visa • Permanently restricted to applying for visas in country of nationality	• 3-year bar to readmission if voluntarily departing between 180 days and 1 year of unlawful presence • 10-year bar to readmission if departing after unlawful presence of 1 year or more

So what does that really mean if you are “out of status”?

- You and your dependents could be subject to arrest, detention, and even removal (also known as deportation) at any time that you do not have valid status.
- You may have difficulty reentering the United States even with a valid visa and I-20 or DS-019
- You and your dependents will begin to accrue unlawful presence in the United States.
- Depending on the number of days of unlawful presence, you may not be able to return to the United States for up to 10 years after your departure.
- You may be denied future immigration benefits in the United States or denied visas in the future.

Unlawful Presence

- USCIS defines Unlawful Presence as “the period of time when you are in the United States without being admitted or paroled or when you are not in a “period of stay authorized by the Secretary.” Accruing unlawful presence can lead to being prevented from returning to the U.S.:

- For 3 years, if you depart the United States after having accrued more than 180 days but less than 1 year of unlawful presence during a single stay and before the commencement of removal proceedings;
- For 10 years, if you depart the United States after having accrued one year or more of unlawful presence during a single stay, regardless of whether you leave before, during, or after removal proceedings; or
- Permanently, if you reenter or try to reenter the United States without being admitted or paroled after having accrued more than one year of unlawful presence in the aggregate during one or more stays in the United States.
- The USCIS website provides the following details regarding F and J status nonimmigrants:

*An F, J, or M nonimmigrant begins accruing unlawful presence, due to a failure to maintain his or her status **on or after Aug. 9, 2018**, on the earliest of any of the following:*

- *The day after the F, J, or M nonimmigrant no longer pursues the course of study or the authorized activity, or the day after he or she engages in an unauthorized activity;*
- *The day after completing the course of study or program (including any authorized practical training plus any authorized grace period, as outlined in 8 CFR 214.2);*
- *The day after the I-94 expires, if the F, J, or M nonimmigrant was admitted for a date certain; or*
- *The day after an immigration judge orders them excluded, deported, or removed (whether or not the decision is appealed).*

Note: If USCIS relies solely upon information provided in the [Student and Exchange Visitor Information System](#) (SEVIS) to make an unlawful presence determination, the applicant will be given an opportunity to rebut evidence provided in SEVIS before a final decision is made.

- GSSS advisors cannot advise regarding unlawful presence or determine whether or not you have accrued any. If you believe you have been accruing unlawful presence days, it is best that you consult an experienced immigration attorney.

So what do you do?

Contact an immigration advisor immediately if you are out of status or believe you are. Do not wait to take action, as this generally makes the situation worse. Acting quickly is very important to correcting your situation and your ability to finish your studies in the United States. Every day counts.

Sometimes there is no solution, but sometimes an immigration advisor can help you resolve/correct the situation and regain valid F or J status. Determining the next step to take depends on your specific circumstances. Discuss your options directly with an immigration advisors as soon as possible. You are also encouraged to seek counsel from a qualified immigration attorney.

https://www.nafsa.org/Professional_Resources/Browse_by_Interest/International_Students_and_Scholars/Network_Resources/International_Student_and_Scholar_Services/Identifying_an_Immigration_Attorney/

- Depending on the circumstance, your immigration advisor may strongly suggest that you hire an experienced immigration attorney. The consequences of immigration violations for students and scholars is more severe than in the past and regaining status has become more difficult; a lawyer's advice may be very important.
- Being out of valid F or J status does not affect your academic status at EWU. You may still enroll and continue your studies as long as you remain academically eligible.

Potential ways to re-establish your status:

There are generally two ways to re-establish valid F or J status: Travel/reentry or Reinstatement. In either case, your immigration advisor will need to see updated financial documentation for full year of studies before issuing an I-20. Both Reinstatement and Reentry have specific risks that you will need to consider carefully before making a decision.

Students who have been out of status without applying for reinstatement or reentry will be referred to an immigration attorney.

- F-1 Travel – GSSS issues a new, “initial” I-20, you pay a new SEVIS I-901 fee (currently \$200), leave the U.S., and return. This can be expensive and time consuming, especially if you need a new visa. Your time “in status” starts again at zero when you return, so benefits like CPT, OPT, or Economic Hardship work authorization will not be available for a full academic year after your return. You may also face difficulties with Customs and Border Protection on any future attempt to re-enter the U.S. There is no guarantee that you will be allowed back in. If you have been out of status more than 5 months, or if you have been out of status before, GSSS will direct you to consult an immigration attorney.
- F-1 Reinstatement- For minor F-1 violations resulting from circumstances beyond your control, you can apply for “reinstatement” which is adjudicated (decided) by USCIS. Reinstatement should be filed as early as possible, requires a fee (currently \$370) paid to the U.S. government, a new I-20 issued for reinstatement purposes, and takes 6 months to a year or more to get a decision. You must remain in the U.S. and enrolled full time while the decision is pending. Reinstatement is not an option if you have worked illegally or are otherwise deportable; there is also risk of a status violation being recorded on your record and subsequent consequences. It is important to know that filing for reinstatement is an admission that you have committed a status violation, and depending on your history, may have a negative impact on your ability to study in the United States. If your reinstatement request is filed late, the time waiting for a decision from USCIS counts towards unlawful presence time that would lead to you being barred from coming back to the United States. GSSS strongly encourages students to consult an immigration attorney, especially if they are filing more than 3-4 months after their violation of status.
- J-1 Corrections -- Discuss with an immigration advisor or the Program Sponsor that issued your DS-2019. Technical and minor infractions can be corrected by A/RO within a certain time frame. Other problems may require you to return home or apply to the U.S. Department of State for reinstatement.

Appendix A – Form Submission Deadlines

GSSS forms are available online at <http://global.ewu.edu/students/forms/immigration-forms/> either in web format or as fillable PDF forms.

GSSS processes requests on a first-come-first-served basis. It is important that you submit all requests well in advance to ensure that they can be processed in time. Please note that the beginning and end of each quarter are our busiest times. Requests submitted at the beginning and end of each quarter may take longer to process due to the high volume we receive and the reporting requirements we have at those times. Please, PLAN AHEAD!

International Student Datasheet webform – 10th day of first term and each fall term thereafter.

Immigration Updates webform – Within 10 days of any changes

Insurance Waiver webform – With full documentation submitted by 1st day of each term.

Program Extension webform– Preferably at least 30 days before your I-20/DS-2019 expires; no less than two weeks before expiration. Please note that not all extensions can be approved, and your eligibility for extension must be determined in advance.

Reduced Course Load Request webform– Before the start of the term you will be less than full time or will not register. If you are considering dropping below a full course load at any point in any term you must make an appointment with an immigration advisor before you drop any classes. Please note that academic advisors and professors may suggest you drop a class for academic reasons – that does not affect immigration eligibility or authorization.

Curricular Practical Training (CPT) paper application – All documents due at least two weeks before internship/activity is scheduled to begin, preferably earlier. Your immigration advisor must establish and certify that the activity is appropriate for CPT, and may need additional information to establish eligibility.

Optional Practical Training (OPT) paper application – Earliest possible application submission is 90 days before you complete your program. USCIS must receive your application no more than 60 days after you complete your program. Allow at least five days for GSSS processing and five days for mailing when considering a late application.

Travel Signatures – Come during a Travel Clinic or submit your document to GSSS at least a week before you plan to travel. No travel plans are required. Documents submitted late can be mailed your expense, or you may designate someone authorized to pick up your documents. The authorization is specific to an individual person (provide their name and student ID or birth date) and specific document and must be provided in writing with your signature, or from your student email account.

Appendix B – Important Terms

DHS – U.S. Department of Homeland Security; has several divisions affecting foreign students:

USCIS – Citizenship and Immigration Services; monitors student status, provides adjudication for some requests and benefits (e.g. change of status applications, adjustment of status to legal permanent residency, F-1 reinstatement and OPT applications).

ICE – Immigration and Customs Enforcement; immigration and customs law enforcement within the U.S.; “owns” and monitors the SEVIS system through the Student and Exchange Visitor Program office (SEVP).

HSI – Homeland Security Investigations is an arm of Immigration and Customs Enforcement that investigates immigration crime, among other issues. Out of status students may be contacted directly by an HSI Agent. HSI agents also routinely contact GSSS about students who are out of status to find out if the student is taking appropriate steps to correct status.

CBP – Customs and Border Protection includes the officers you meet with at your Port of Entry (usually an airport or land border when you arrive from someplace outside the U.S.) officers have the authority to permit or deny entry (even if you have all the correct documents). We recommend planning your travels so that your entry to the US and Customs process is between 8 a.m. and 5 p.m. Pacific time, Monday through Friday, so that a DSO or A/RO is available should CBP call GSSS for additional information. You may also request that they use our 24 hour on-call number, 509-389-7575.

DOS – Department of State; issues all U.S. visas through Consular posts worldwide, and “owns” the J-1 Exchange Visitor Program.

D/S – Notation stamped in your passport and on your electronic I-94 record. D/S stands for “duration of status” which means you may remain in the United States as long as you are in valid F or J status, and do not violate any immigration regulations or laws.

DS-2019- “Certificate of Eligibility for Exchange Visitor (J-1) Status” – issued by the school which the student plans to attend or a Program Sponsor partnering with an institution. This form is sent to the student to apply for a J-1 visa and to use to enter the USA. DS-2019s are issued from the SEVIS system by an A/RO. Note that the DS-2019 is a picture in time, and may not reflect current information in your SEVIS record.

I-20- “Certificate of Eligibility for Nonimmigrant (F-1) Student Status – For Academic and Language Students” – issued by the school which the student plans to attend. This form is sent to the student to apply for an F-1 visa and to use to enter the USA. I-20s are issued from the SEVIS system by a P/DSO. Note that the I-20 is a picture in time, and may not reflect current information in your SEVIS record.

I-94 - Arrival-Departure Record –Electronic record indicating your status and period of authorized stay in the U.S. It is also used to track your departure from the U.S. Print out your I-94 Record EACH time

you travel here: <https://i94.cbp.dhs.gov/I94>. You are responsible for the accuracy of your arrival record and requesting a correction if the information is incorrect. If your record is incorrect, you can be considered out of status for violating rules of the status you are listed in. You may also accrue days of unlawful presence that would prevent you from returning to the U.S. Timely correction is critical to maintaining valid status.

Passport – Document issued by a national government, which certifies, for the purpose of international travel, the identity and nationality of its holder. Contact a consulate from your home government for information on replacements or extensions. Your passport must be valid at all times while you are in the United States. Failure to renew or replace an expired or expiring passport can seriously compound other problems.

PDSO/DSO – Principal/Designated School Official; campus immigration officials for the F-1/F-2 visa category. Only P/DSOs may access SEVIS, sign immigration documents, and provide immigration advising for students in or changing to F status.

RO/ARO – Alternate/Responsible Officer; campus or Program Sponsor officials for the J-1 Exchange Visitor program. Only A/ROs may access SEVIS, sign immigration documents, and provide immigration advising for J-1 Exchange Visitors and their dependents. Exchange Visitors who have a Program Sponsor other than Eastern Washington University are required to regularly communicate with the A/RO for their Program Sponsor.

Program Sponsor or J-1 Program Sponsor – The Department of State permits designated institutions and organizations (called Program Sponsors) to issue DS-2019s for specific types of exchange programs. Sponsors are required to comply with all local, state, federal and professional requirements applicable to the program category and to the activity for which they are designated. Eastern is a Program Sponsor, but accepts J-1 students and Exchange Visitors who have alternative Program Sponsors in some cases.

SEVIS – Student and Exchange Visitor Information System; the database for information on F-1 and J-1 students (and dependents). SEVIS is accessed by Department of Homeland Security agencies, and the US Department of State. EWU is required to report international students' status through SEVIS every term and on an ongoing basis based on specific events. Deadlines in SEVIS are automatic and inflexible based on the university's catalog and academic calendar, and governmental approval.

Status or Nonimmigrant Status – Status or visa status is a classification or state of being. F-1 and J-1 are “nonimmigrant” statuses indicating the status holder intends to return home (or at least depart the US) after finishing the activity they came for. There are also “immigrant” statuses such as legal permanent resident status. Your status can change while you are here, or you can be in violation of your status – that is, you have broken the rules of your category. Violations of status are reported by “termination” of the SEVIS record associated with your I-20 or DS-2019. Your current status may or may not match the visa in your passport, since a person may change status without departing the US or getting a new visa stamp in their passport. You must maintain a valid status at all times.

Visa- The physical stamp placed in your passport by an official at a U.S. Consulate outside the United States. It is a permit to apply for entry into the United States for a specific purpose: study, business, tourism, employment, etc. Once the visa is used to enter the U.S., the expiration date does not matter, unless the visa holder intends to leave and re-enter the U.S.. Visas can only be issued or renewed outside of the United States.

212(e) 2 Year Home Residency Requirement for J-1 and J-2 – Exchange Visitors who are subject to the two-year home country residence requirement must return to their “home” countries and be physically present there for an aggregate period of two years before being eligible to return to the United States in immigrant status. 212(e) notations may appear on visas and/or DS-2019s, but may be incorrect or missing for visitors who are subject or present for an Exchange Visitor who isn’t subject. If you would like clarification, please discuss with your A/RO.

Appendix C: Resources for Statutes and Regulations

Web Resources:

Study In the States website from U.S. Department of Homeland Security

<http://studyinthestates.dhs.gov/students>

Tax information for non-citizen students and scholars:

<http://www.irs.gov/Individuals/International-Taxpayers/Foreign-Students-and-Scholars>

EWU student conduct code <http://access.ewu.edu/osrr/osrrpolicies/conductcode>

Washington State pedestrian laws (also bikes & cars) <http://www.wsdot.wa.gov/walk/Laws.htm>

Washington State laws (general) <http://apps.leg.wa.gov/wac/>

Regulations:

United States Code includes laws passed by Congress <http://uscode.ecfr.io/> Title 8 refers to Aliens and Nationality

US Code of Federal Regulations <https://ecfr.io/> provides more detailed information on enforcement of the US Code

IIRIRA § 641 – authorizing program to collect information relating to nonimmigrant foreign students and other exchange program participants (SEVIS authority)

INA § 101(a)(15)(F) & (J) – Immigration & Nationality Act definition of F-1 nonimmigrant students & J-1 Exchange Visitors

22 C.F.R. § 41 – visa issuance for nonimmigrants

INA § 101(a)(15)(F) – admission of nonimmigrants

INA § 214(m) – limitations for nonimmigrants attending public elementary or secondary schools

8 C.F.R. § 214.2 – 214.4 – F-1: requirements for admission, maintenance of status, extension of status, & school certification

Fulbright-Hayes Act of 1961 [Public Law 87-256, as amended, 22 U.S.C. § 2451, et seq.] – educational and cultural exchange

INA § 212(e) – J-1 2 year home residency requirement

INA § 212(j) – J-1 limitations on foreign medical graduates

22 C.F.R. Part 62 – Department of State Exchange Visitor Program J-1 regulations

For J-1 Exchange Visitors:

Department of State Exchange Visitor Program <https://j1visa.state.gov/>

Compliance Unit: Email: jvisas@state.gov; State Department Hotline for Exchange Visitors 1-866-283-9090 FAX number: (202) 632-2900

Mailing Address: U.S. Department of State Office of Exchange Coordination and Compliance ECA/EC/ECC, SA-4E, ROOM ' E-101 2201 C Street NW, WASHINGTON DC 20520 Email:	Street Address (couriers): U.S. Department of State Office of Exchange Coordination and Compliance ECA/EC/ECC, SA-4E ROOM E-101 2430 E Street, NW WASHINGTON DC 20037
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DISCLAIMER: The Global Student and Scholar Services is able to provide you with general guidance. However, any advice provided to you by our office, as well as the information in this handbook, should not be construed as legal advice. We do our best to provide the most up-to-date information possible, but due to the shifting nature of governmental interpretation, the Department of Homeland Security and other agencies may change regulatory implementation of immigration laws/regulations and eligibility requirements for benefits at any time without notifying our office. Each case is fact-specific and it is advised that you contact an experienced immigration attorney if you have questions regarding your situation.

Receipt of F-A-C-T-S Handbook

Please sign below and turn this sheet in to GSSS Staff to be placed in your student file

I understand that it is important to keep in touch with the GSSS both to meet requirements of my status and to keep up with current information. The rules and regulations of F and J status evolve and change and I understand that this is not a comprehensive list of my responsibilities. Although I am accountable for knowing and understanding all the regulations pertaining to my status, I can ask for help from an immigration advisor in GSSS.

I have read all of the F-A-C-T-S, and understand that I am required to know and follow all non-immigrant regulations that pertain to my status.

(print name)

(signature)

(EWU ID)

(date)