
KNOW THE F-A-C-T-S: MAINTAINING YOUR F-1/ J-1 NONIMMIGRANT STATUS

2017-2018

This document may be the most important thing you read while you are in the United States; it is provided to assist you in maintaining your F-1 visa status. Please read it carefully. It is your responsibility to know and obey F-1 or J-1 status regulations or face possible arrest, detention, and removal from the U.S.

U.S. Citizenship and Immigration Services (USCIS) for F-1 students and the Department of State (DOS) for J-1 students 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.” The Office of Global Initiatives is available to assist you with maintaining your status; however, *it is your responsibility to know and follow the regulations*. In order to help you remember this sometimes complicated information, this SEVIS/FACTS 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 Officers– RO or ARO. A person without this designation should never be giving you immigration advice.

F= 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
 - 10 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 7 credits of traditional instruction classes. ELI students may not take any distance education courses to meet full time requirements.
- **J-1 students** must check with their OGI 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 during annual vacation, but you must check with an immigration advisor first.
- **Concurrent enrollment** with another institution is allowed only with prior permission from a DSO or A/RO. Students must request concurrent enrollment authorization in advance with OGI’s

concurrent enrollment request form, and academic advisors must provide supporting information for the request. 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 on time may result in a violation of F- or J- status.

EWU
Records and Registration
201 Sutton Hall
Cheney, WA 99004

- Make **normal academic progress**. Visit the OGI Academic Advisor to create a study plan and follow your plan. It is permissible 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 will 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/>.
- **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 US higher education system, as is timely submission of all academic work.
- 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 OGI 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) are only permissible if you meet one of the following criteria, have appropriate documentation, and receive written permission in advance. Reduced Course Load requests must be submitted with appropriate supporting documents.
 - **Academic Difficulties** – initial difficulty with English or reading requirements, unfamiliarity with U.S. teaching methods, or improper course level placement. 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.
 - **Medical or Mental Health Conditions** – current documentation from a U.S. licensed medical doctor (M.D.), doctor of osteopathy (O.D.), or licensed clinical psychologist (L.C.P. or L.P.) required. Permission must be re-authorized each term – total authorized may not exceed 12 months in a level of studies. Letters must be original documents, signed by an MD, DO, or LP, and include their license number, must indicate a specific diagnosis or condition and explicitly recommend less than full time study with designated time period. New, updated support documentation is required to renew medical authorization for a reduced course load for any future term.

- *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. A family member’s illness or injury is not grounds for a reduced course load, even for spouses, children, or siblings. Documentation of an illness or injury would be required to show eligibility for a reduced course load.*
- **Final Term in program of study** – fewer than 12 undergraduate or 10 graduate credits to complete degree, or fewer than 18 contact hours to complete the ELI program. Classes must be taken in-person (not online). 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.
- **Registered for Thesis/Project class: Master’s/Doctorate Student Only.** 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 thesis/project advisor or the Director of the Graduate program in question. 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.
- **Summer Session:** If you will not be taking a full course load you must receive authorization from OGI in advance of the term. 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. Failure to submit concurrent enrollment transcripts, reentry to correct status, and other individual situations may impact eligibility. Please check with your immigration advisor to make sure you are authorized to take less than a full course load in the summer. You must submit an annual vacation request form and be approved. J-1 students should verify that their program permits vacation.
- **Annual Vacation:** Summer is Eastern’s most common vacation term. 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. 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. **You must formally request and be authorized in advance for annual vacation, no matter when you take the term off.**

A = Authorization for Employment and Training

- Authorization is required for any employment or training activity, paid or unpaid. **Unauthorized employment is one of the most serious violations of your immigration status.**
- If you do not already have a US **Social Security Number** (SSN), you must apply for one if you will be employed in any capacity. After you have a job offer, bring the letter of employment to OGI to receive instructions on applying for a Social Security number and a support letter. If you have already been assigned an SSN by the US Social Security Administration, that is your number for the rest of your life – but you are only allowed get a replacement card if you meet the qualifications for a

new number at the time you wish to replace the card, and there is a lifetime limit of 10 cards for nonimmigrants. Note that a SSN *is not authorization to work* in the United States.

- 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” for services
 - ”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
- **Never work off campus** unless you have current authorization from OGI, 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. For on campus employment, verify that you are in valid status before accepting employment. Uber driving, house sitting, and other “casual” activities for remuneration of any kind *are considered employment* and can put you out of status.

On Campus Employment:

- 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, you must 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.
- **On Campus Employment for J-1 students** requires written permission of OGI or Program Sponsor, prior to beginning employment. You must also apply for a Social Security Number before you will be permitted to begin work.
- On campus work for all students is limited to 19 hours or less per week during academic terms and may be full-time during official school breaks and your authorized vacation term.
- On campus employment must be working directly for EWU itself or contractor that provides services on campus directly to EWU students. No construction or other activity that is not a direct benefit to and primarily *for* students is allowed.
- Any paid employment requires a **Social Security Number** (contact OGI for letter of support after you have received a job offer) and I-9 Employment Eligibility Verification. Most I-9 forms will require you to show your *passport, I-20 or DS-2019*, and *I-94* information. Your employer is not permitted to ask you for specific documents, so it is a good idea to know what you need in advance.
- 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 OGI).

Off Campus Employment

- Off Campus employment limited to academic students.
- **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 students** must have permission from their Program Sponsor to work off campus. All off campus authorization 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 and permission must be renewed before resuming work.
- **F-1 Curricular Practical Training (CPT)** – authorization by DSO required. In field of studies/major only.
CPT is primarily used for internships (paid and unpaid) during your studies, student teaching, required practicum activities, or other training outside the classroom that entails more than simple observation.
 - Available after one continuous academic year in valid student status (exception made for master’s students with program requirements to start in the first year)
 - 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.
 - 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.
 - Cumulative 12 months of full time CPT makes you ineligible for OPT at same level
 - To apply, submit all of the following information at least two weeks before beginning your internship activities. Note that the information must be verified, so early submissions are encouraged
 - 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, a DSO will issue a new I-20 with CPT authorization and approved site/activity information, which is required before engaging in any training activities
 - Any changes require updated authorization and I-20 in advance
- Any employment authorization **ends immediately** if you fall out of status, complete your studies, or have your I-20 transferred. On campus work permission ends the last day of finals in your final term (grad students should discuss work authorization during thesis with OGI).
- **F-1 Optional Practical Training (OPT)** – authorization from USCIS required. Requires recommendation from DSO for the application process. Employment activity must be directly related to 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.

- Available after one continuous academic year in F-1 Status
- Employment must be directly related to your major and appropriate to level of study
- No credits/enrollment required
- 12 month duration (pre-and post-completion, combined) per higher level of study
- One-time 24 month extension available for some STEM students.
- Apply for post-completion OPT before finishing program (no more than 90 days) or up to 60 days after. Note that late or early 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
- Attend an OPT workshop and review the OPT packet from OGI
 - OGI strongly recommends saving OPT for post-completion of studies
- **F-1 Economic Hardship** – authorization from USCIS required. DSO recommendation required for application process.

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.

 - If approved, employment does not have to be related to your studies
 - 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 your control.
 - Application through USCIS requires a substantial fee and usually takes three months for approval. Must be renewed annually, not available and authorization ends on program completion.
 - Discuss your financial concerns with a DSO as early as possible in order to determine eligibility and timing.
- **J-1 Academic Training (AT)** –authorization by an Alternate Responsible Officer (ARO) and Program Sponsor required.
 - Requires good academic standing
 - Not available for all J-1 Programs; contact your OGI advisor or program sponsor for information
 - Requires a job/internship offer directly related to your field of studies
 - Must be approved in advance by OGI or J-1 Program Sponsor, academic program advisor, and academic department,

- Duration – up to the same length of time you are a student in J-1 status (up to 18 months)
- Start date can be anytime during your studies or up to 30 days afterwards (if 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.
- **ELI and F-2 students are not authorized for any employment, on or off campus. J-2 spouses may apply for work authorization with US Citizenship and Immigration Services (USCIS)– see an A/RO with your program sponsor for details.**

C = CURRENT DOCUMENTS

- Your I-20 or DS-2019 **must be valid with correct and complete information at all times.** Never throw away an old document even when no longer valid. You may need it 20 years from now.
- Submit a **student datasheet** by the 10th day of your first term, and each Fall term thereafter. Submit copies of any new immigration documents whenever you receive them (passport, visa, I-94 records, and so on).
- Submit address updates immediately on changing your residential living address. This is required within 10 days of any change of residence.
- OGI is required report specific information to the Department of Homeland Security, which our office must do for every student each term. Datasheets must have full, complete, and accurate information, local residence (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. You must also complete a separate Dependent Datasheet for each of your dependents. ***If any of the required datasheet information changes at any point during the year, you must update OGI immediately.*** Failure to submit timely updates is a violation of status.
- Keep your **passport** valid. Your passport must be valid at least 6 months into the future at all times; do not let your passport expire during your time in the United States. 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.
- You are required to **carry your immigration documents** (passport stamped with entry information and I-20 or DS-2019) with you even if you are remaining in the United States. Keep at least a copy with you at all times if you are off campus.
- Be sure you have **signed** your I-20 or DS-2019, and I-20s for F2 or J2 dependents.
- Apply for **extension of your I-20/DS-2019** at least thirty days before the expiration date. Do not let your I-20/DS 2019 expire without talking to an immigration advisor.
 - Extension applications should be submitted as soon as the student realizes that the program cannot be completed by the end date on the I-20 or DS-2019. 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.

- Report any **change of residential address and/or phone number** to OGI within 10 days, both while you are a student and during your Optional Practical Training or Academic Training period. J-1 students must inform the Program Sponsor that issued their DS-2019, in addition to OGI. Updating the EWU general system with accurate information through the myEWU portal (<https://my.ewu.edu>) is equally important and is your responsibility.
- Immediately after arrival in the United States, check the **I-94 Arrival Departure Record** for yourself and any dependents 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 OGI 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, OGI can help. Failure to verify your admission status and/or correct errors after each arrival in the US may result in a violation of status.
- 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 6th day. Insurance is required for J-1 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 OGI website <http://global.ewu.edu/>

T = TRANSITIONS, TRANSFERS, TRAVEL, and TAXES

- **F-1 students** intending to transfer to another university must submit an EWU - OGI **transfer out request** along with proof of admission to the new school. If you are transferring during the academic term but before you actually complete your program of studies, you must remain enrolled and attend classes until you actually transfer, or you will be out of status. OGI 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 students** wishing to transfer should discuss with program sponsor or A/RO; some programs and sponsors prohibit transfers. When transfers are permitted they require close coordination between the new school and EWU.
- F-1 students must request a new I-20 from OGI whenever you make a change in **degree level** and/or **declare/change/ add a major or minor**. Make sure all the information on your I-20 is accurate at all times.
- **Travel** - Obtain travel endorsement for yourself and any dependents on page 2 of your I-20 or bottom of DS-2019 before departing the U.S. if you will intend to return the same visa status to continue your program. 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 students** must have the signature from the Program Sponsor that issued the DS-2019 and may need additional steps please contact your OGI advisor for guidance as soon as possible.

- Travel in the U.S.: 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.
- Travel outside the U.S. with intention to return in same visa category, you need to have:
 - Valid passport (valid for at least six months from the date you plan to re-enter the USA);
 - Visa for destination (if required for your nationality)
 - Valid visa for U.S. return in correct status (F-1/J-1); Canadian citizens are exempt from this requirement
 - Valid travel signature on I-20 or DS-2019; and
 - Take proof of financial support, and other documents you may need to show that you are a serious student (transcripts, proof of enrollment from myEWU portal, course schedule for the coming term, previous I-20/DS-2019s, I-1901 SEVIS fee receipt, etc.).
- Bring I-20/DS-2019 to OGI at least two weeks in advance 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 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. 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 US accidentally or lost it at home. Please request replacement early.
- U.S. visas and extensions for U.S. visas are not available in the United States. All U.S. visas must be obtained abroad.
- 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 us before trying it. 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.
- Please be aware that while most visas are accepted by Customs and Border Patrol (CBP) at port of entry if they have not been stamped cancelled or expired, visas are automatically "provisionally revoked" when a foreign national in the US is arrested for driving under the influence of alcohol or drugs. No conviction is required, and while a notification may be sent to the email address used to apply for your visa, you may not get that notification. The process for getting cleared for a new visa under these circumstances is lengthy and challenging. If you have an arrest record, please discuss with your immigration advisor before traveling.
- **Completing your program at EWU:**
 - Your program of studies does not end on your graduation date or at commencement, which are ceremonial. **Your studies are considered complete on the last day of finals in your last term, or when you complete all program requirements.** Immigration advisors are required to "shorten" the program end dates in SEVIS for students who complete their studies earlier than planned. If you are returning home, and will be completing the last requirements by distance education, inform you 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.

- **J-1 students** have 30 days “grace” to leave the U.S. after completion of program or post-studies Academic Training employment
- **60 and 30 day 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.*
- **F-1 Authorized early withdrawal** (see OGI before withdrawing), F-1 students who complete the authorized early withdrawal 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. Students taking a leave of absence are permitted up to five months to return and resume studies. Students wishing to return from a leave of absence should contact a DSO as soon as possible, as government reactivation of immigration records can be time-consuming. Note that a leave of absence may have an impact on vacation eligibility.
- **J-1 Authorized early withdrawal** (see OGI before withdrawing), J-1 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.
- **Unauthorized withdrawal** – Students who withdraw from classes or stop attending without authorization must leave the U.S. right away or immediately 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.
- **Notify OGI 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 OGI receives notification that you have finished your studies from the Registrar’s office or student’s academic department.
- **J-1 students or 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) status until after at least two years have been spent in the home country after J program completion. Return in other statuses such as F-1 may be permitted, but it can be challenging to be approved for a visa. If you are subject to the rule, keep careful records of all of your travel home after you finish your program.
- **Taxes** – All individuals present in the U.S. during a calendar year must submit tax information to the U.S. government for that year, whether or not you have been employed. Submitting tax information does not necessarily require you to pay US income tax; for most students it means filing a form showing you are not required to pay US taxes at this time. OGI provides free access to tax software designed for nonimmigrants; however, 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 next spring.

S = SEVIS: STAY IN STATUS AND STAY IN TOUCH

- **SEVIS** (Student & Exchange Visitor Information System) is the government database tracking system that requires OGI 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 the OGI so that you can avoid unintentional violations. Your I-20 or DS-2019 is issued via the SEVIS system, and your SEVIS record is “real time” information regarding your status.
- **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. OGI 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.**
- **Dependents:** Note that spouses and children born in the US are *not* eligible for J-2 or F-2 status and universities are not permitted to issue I-20s or DS-2019s for any US citizens, including US born dependents of non-immigrants. They should obtain U.S. passports and travel as U.S. citizens.
 - **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.
 - Status for F-2s and J-2s is dependent on the F-1 or J-1 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-2 visa abroad and re-entering in F-2 status. Contact a DSO in OGI 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 working from home, even if the employer remains outside the U.S.
 - For additional dependent information for J-1 visa holders, please see an OGI immigration advisor

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 is terminated, and you become potentially subject to arrest, detention, and deportation. Dependents are also subject to these penalties.
- You and your dependents may become subject to “visa overstay” and “unlawful presence” provisions of U.S. law. 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.

	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” <i>or</i> Entered without being admitted or paroled <i>AND</i> 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).
 - Contact an Immigration Advisor immediately if you are out of status.

- Sometimes there is no solution, but sometimes OGI can help you resolve/correct the situation. Determining the next step to take depends on your specific circumstances. Discuss your options directly with OGI immigration advisors as soon as possible.
 - Do not wait to take action, as this generally makes the situation worse. Acting quickly provides better options and higher chances of correcting or addressing the situation.
- Being out of valid F or J status does not affect your academic status. You may still enroll and continue your studies as long as you remain academically eligible
- **Potential ways to re-establish your status:**
 - New financial documentation for full year of studies academic eligibility is always required.
 - **F-1 Travel** – OGI 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.
 - **F-1 Reinstatement**-For minor F-1 violations, reinstatement is adjudicated by USCIS. Reinstatement requires a fee (currently \$370) paid to the U.S. government, a new I-20 issued for reinstatement purposes, and takes 5-6- months 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.
 - **J-1 Corrections** -- Discuss with an OGI A/RO 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 Department of State for reinstatement.

Appendix A – Form Submission Deadlines

The Office of Global Initiatives 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 –10th day of first term and each fall term thereafter.

Insurance Waiver Request – with full documentation submitted by 6th day of EACH term.

Program Extension – 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 – Before the start of the term you will be less than full time. 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.

CPT Application – **All** documents due at least two weeks before internship/activity is scheduled to begin, preferably earlier. A DSO must establish and certify that the activity is appropriate for CPT, and may need additional information to establish eligibility.

OPT 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 OGI processing and five days for mailing when considering a late application.

Travel Signatures – Submit your document to OGI at least two weeks before you plan to travel. No travel plans are required. Documents submitted late can be mailed at the student's expense, or you may designate someone authorized to pick up your documents. The authorization is specific to an individual person and specific document.

Appendix B – Important Terms

DHS – 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 OGI 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 is 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 OGI for additional information.

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

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 the 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. 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. Failure to renew or replace an expired or expiring passport can compound other problems.

PDSO/DSO and RO/ARO – Principal/Designated School Official (F-1 program) and Alternate/Responsible Officer (J-1 program): campus immigration officials. Only P/DSOs and A/ROs may access SEVIS, sign immigration documents, and provide immigration advising. J-1 students who have a Program Sponsor other than Eastern Washington University are required to regularly communicate with the A/RO for their program.

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 USCIS, CBP, ICE, HIS, and the DOS. 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.

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. 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 in the classification required for some 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

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

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>

Department of Homeland Security Study in the States

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

Washington State pedestrian laws (also bikes & cars)

<http://www.wsdot.wa.gov/walk/Laws.htm>

Washington State laws (general)

http://access.wa.gov/government/laws_rules.aspx

For J-1 Students & Scholars, we are required to provide the following information:

Compliance Unit: Email: jvisas@state.gov; FAX number: (202) 632-2900

Mailing Address: U.S. Department of State Office of Exchange Coordination and Compliance ECA/EC/ECC - SA-5, Floor C2 2200 C Street, NW Washington, DC 20522-0505	Street Address (couriers): U.S. Department of State Office of Exchange Coordination and Compliance ECA/EC/ECC - SA-5, Floor C2 2200 C Street, NW Washington, DC 20037
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OGI International Student Services Contacts

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International On-Call

Phone: 509-570-2524

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

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

I understand that it is important to keep in touch with the OGI 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 OGI.

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)