

The University of Tennessee Center For International Education

Immigration 101 for F-1 Students

What is an F-1 visa?

An F-1 student is admitted to pursue a degree program at a college or university approved by the U.S. Department of Homeland Security (DHS) to accept international students. F-1 students must pursue a full course of study and there are immigration rules that F-1 international students must follow in order to remain in the U.S. legally.

This handout provides basic immigration information to help you understand the rules that pertain to you as an F-1 student. Please speak with an advisor regarding your individual case. This document does not include all DHS regulations pertaining to F-1 students.

Papers, Papers, and MORE Papers!

All the pieces of paper you collected while traveling are very important. You need to keep these immigration documents forever. They are proof of your legal status in the U.S. and serve as a record of your immigration history. At times, CIE may take your papers to update your file or to recommend a benefit. You must not give up your papers to anyone who is not a DHS agent or a law enforcement officer.

Passport A document issued by your government indicating citizenship. Your passport must remain valid during your entire stay in the U.S. If it is about to expire, contact your embassy or consulate for information about renewal or extension. We recommend that each dependent carry his/her own passport.

Visa You obtained a visa at a U.S. Consulate to enter the U.S. (except for Canadian citizens). The laser-printed visa has your photo and is pasted into your passport. You need a valid visa to enter the U.S. each time (There are some exceptions mentioned below). You DO NOT need a valid visa to remain in the U.S. as long as other documents for your legal stay here are still valid. The length of time a visa is valid for varies by country.

I-20 Issued by an authorized university or college for you to attend school. You used the I-20 to apply for an F-1 visa and entered the U.S. with it. You should have the DHS stamped I-20. Your I-20 must remain valid during your entire program of study. Even if you receive new I-20s, you must not throw out the old ones. You must keep each one forever.

I-94 When you entered the U.S., a DHS agent stamped a white card called the Arrival and Departure Card. It indicates your status, the length of permitted stay and date of arrival. It is proof that you entered the U.S. legally. When you leave the U.S., the I-94 must be given up and you will get a new one when you re-enter. It is usually stapled to your passport.

What's The Difference?

There are several U.S. government agencies that have some control over your ability to enter and stay in the U.S. They operate separately and have different rules.

U.S. Department of State (DOS)

The DOS operates outside the U.S. and runs all embassies and consulates. They grant you a visa to enter the U.S. There are no U.S. consulates or embassies in the U.S. and they have no authority over non-U.S. citizens.

U.S. Department of Homeland Security (DHS) [where Citizenship and Immigration Services (CIS), Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) are housed]

The DHS operates inside the U.S. The DHS has authority over all non-U.S. citizens and enforces DHS regulations. DHS officers are located in airports (or at borders), service centers and field offices. They determine your immigration status and give you permission to stay legally in the U.S.

Visa

A valid visa is required for entry into the U.S. (exceptions mentioned below). You **DO NOT** need a valid visa to remain in the U.S. You can have multiple types of visas in your passport. Always make sure that you enter with the appropriate visa.

Versus

Immigration Status

You are “given” an immigration status at the time you enter the U.S. You can only have **one** immigration status. You must have a valid immigration status at all times while in the U.S. Your immigration status is indicated on your I-94. Always make sure that you have an I-94 marked F-1 and D/S.

How Long Can I Stay?

As an F-1 student, you are admitted for “**Duration of Status**” or more commonly called **D/S**. This notation is on your I-94. You may remain in the U.S. as long as you have legal status. You must be pursuing your educational objective and hold a valid I-20 at all times. The length of each degree program is listed on line #5 of your I-20. If you complete your degree early, it does not mean that you can remain here until the expiration date on the I-20.

You are permitted to stay in the U.S. for an extra 60 days after completion of your program. This is called the grace period. This time may be used for travel, packing, etc.

If you withdraw from the university **WITH prior permission** from CIE, you have 15 days to make preparations to depart. If you do not have permission to withdraw, you must leave on the day you withdraw from UT or you will be considered out-of-status.

How Do I Maintain My Legal Status?

In order to maintain your F-1 status, you must **COMPLETE** a full-time class load each Fall and Spring semester. Summer is considered a vacation period unless it is the first or last term of enrollment. You can take a summer vacation only if you intend to re-enroll for the following Fall semester. Enrolling for the summer semester cannot be substituted for the Fall or Spring semester.

Completion in this situation means you receive a grade at the end of the semester.

What Is Full Time?

Undergraduates

- All undergraduates must **complete 12 credit hours** per semester.

Graduates

- All graduates must **complete 9 credit hours** per semester.
- Graduate students who have a 20 hour per week or 50% time assistantship, completion of 6 credit hours is sufficient for DHS purposes.
- Note: There may be differences between the DHS and academic definition of full time.

- ✓ Only classes taken for a regular grade (A-F), Pass/Fail (P/F) or Satisfactory (S) count toward the immigration requirement.
- ✓ Classes taken as Audit (AU) DO NOT count toward this requirement.
- ✓ Withdrawing with a W/WP/WF DO NOT count as credit.
- ✓ You must **complete** the course. Merely registering and paying for these courses is not sufficient.

Exceptions to Full Time

You **MUST** consult with a CIE advisor **BEFORE** taking less than the full time load. In some cases you **MUST** get permission first.

Exceptions where you must obtain PRIOR PERMISSION from CIE:

- When a graduate student has completed all course work requirements and is only working on thesis or dissertation hours, registering for 3 credit hours is sufficient for DHS purposes. You **MUST** get permission from CIE **BEFORE** being enrolled part-time. (Note: Academic definition may differ)
- In the final term of a degree program, a student can register for only the number of hours required to graduate. You **MUST** get permission from CIE **BEFORE** being enrolled part-time.
- A student who has a medical condition can be enrolled less than full-time or not at all. A letter from a doctor explaining the reasons must be turned in. You **MUST** get permission from CIE **BEFORE** being enrolled part-time. This is limited to a total of 12 months.
- A student who has a valid academic reason can be enrolled less than full-time. Reasons can include initial difficulty with English Language or reading requirements, unfamiliarity with U.S. teaching methods or improper course level placement. This is limited to one semester only. Each case is unique. You **MUST** get permission from CIE **BEFORE** being enrolled part-time.

Exceptions where you DO NOT need permission from CIE:

- During summer semester, you do not have to be enrolled full time. (Note: Departmental rules may differ for assistantships).
- A student who holds a 20-hour per week assistantship, can enroll for only 6 credit hours. (Note: Departmental rules may differ).
- A student who is on a period of authorized full-time CPT or OPT.

What If I Cannot Finish In Time?

If you cannot complete your degree program by the date indicated on your I-20, you may be eligible to request for an extension. Extensions are only granted for compelling academic reasons such as changing majors, changing research topics, and unexpected problems in research or for a documented illness. An academic suspension does not qualify.

You can request for an extension as soon as you know that you need one. You can do this at any point in your program. **AFTER** the expiration of your I-20, you are illegal. Timeliness in this situation is crucial.

I Want To Go Somewhere Else

If you decide to transfer to another college or university, there are certain procedures that you must follow. There is an academic transfer and a immigration transfer.

- ✓ The academic transfer focuses on your credits and coursework.
- ✓ The DHS/immigration transfer means that DHS must be notified that you have transferred from UT to another school. The transfer process must be completed in a timely manner or you can fall out-of-status/become illegal. You must inform UT as to where you will be attending. Then, upon arrival at your new campus, you must report to the new school's International Student Office no later than 15 days after the report date on the I-20 to initiate the immigration transfer.

I Finished One Degree and I Want Another One!

After finishing one degree program, you can change to another degree level or start a second degree. This is called a Change of Program or Level. There is an academic procedure to change your program as well as an immigration process. First, you must apply to your new program and be accepted. Once you are accepted into your new program, CIE will issue a new I-20 to reflect this change. If you do not complete this Change of Program process, you can become illegal. The DHS must be notified of your new program.

I Don't Like My Major and Have a New One

Changing a major is similar to a Change of Program. You need to initiate the academic change first and then you must inform CIE of this change as soon as it becomes effective. The DHS must be notified of your new major.

Help! I Think I'm Illegal!

It is very important for you to maintain your legal F-1 immigration status while you are in the U.S. There are several ways a person can fall out-of-status or become illegal.

Reasons

- ⊗ Failure to complete a full time class load each applicable semester.
- ⊗ Failure to complete the transfer notification process with DHS.
- ⊗ Failure to extend your academic program with DHS. (Letting your I-20 expire).
- ⊗ Failure to change your program with DHS.
- ⊗ Working without proper authorization/permission.
- ⊗ Failure to report your current address to the DHS within 10 days of moving.

Consequences

- You are not allowed to work on or off campus or hold an assistantship.
- You cannot get permission to engage in practical training.
- You may not legally extend your F-1 status or transfer to another university.
- You may be required to leave immediately.
- In some cases you may not be allowed to return to the U.S. for 3 – 10 years.

What is Reinstatement?

This is a process that DHS has designed to allow F-1 students who have become illegal to be reinstated back to legal status. In order to be reinstated, you must prove to the DHS that becoming out-of-status was entirely beyond your control and not any fault of your own. You must also prove that if you are not reinstated back to legal status, this would cause extreme hardship. The circumstances leading to you becoming out-of-status may include serious injury or illness, closure of the institution, a natural disaster, or inadvertence, oversight or neglect on the part of the school official. You must not have been out-of-status for more than 5 months to file for a reinstatement.

If you think you are out-of-status and you wish to pursue a reinstatement, you need to speak to an international student advisor immediately. CIE can assist you with the appropriate application and supporting materials for a reinstatement.

How Can I Make Some Money?

On-Campus Employment

F-1 students are eligible to work on-campus for a total of 20 hours per week during the semester. During the summer and official school breaks, full time employment is permissible. You CANNOT continue working after you graduate or complete your studies (unless you have some other type of work permission).

On-campus employment is usually defined as a job that pays with a UT paycheck. If you are planning to work on-campus, you must obtain written permission from CIE.

Types Off-Campus Employment

◆ Economic Hardship

If there has been a serious and unexpected change in your financial situation since your arrival, you may be eligible to apply to the DHS for Economic Hardship. This is general permission to work off-campus in any job. You must obtain permission from the DHS BEFORE you can begin working off-campus. If work-permission is granted, you can only work part-time during the semester and you must be enrolled full-time. You need to speak to an international student advisor if you wish to apply for this benefit. CIE can assist you with the appropriate applications and supporting materials.

◆ Practical Training

Practical Training is a period of time that DHS allows a student in legal F-1 status to engage in employment related to their current major field of study. Practical training is divided into two categories – Curricular and Optional.

Curricular Practical Training (CPT) Please attend one of the bi-weekly seminars for details.

The DHS defines CPT as training that must be an “integral part of an established curriculum” and the employment must be directly related to a student’s current major field of study.

- ✓ CPT can only be used before graduation/completion of study.
- ✓ Full or part time CPT is allowed.
- ✓ You must have an employment offer before you can request for CPT.
- ✓ CPT employment is granted for a specific employer, location and length of time.
- ✓ You must obtain permission from CIE to engage in either a paid or unpaid internship/practicum.

- ✓ Permission is granted by CIE on your current I-20.
- ✓ You must have written permission before you can begin working.

Optional Practical Training (OPT) Please attend one of the bi-weekly seminars for details.

This is training that is a good opportunity to gain experience in your current field of study. There are 12 months available for a degree and each subsequent higher degree. This is not cumulative.

- ✓ May be used before completion in summer, during a regular term, or after completion of all required course work (except thesis or dissertation hours).
- ✓ Is available after completion of a course of study.
- ✓ May be full or part-time depending on circumstances.
- ✓ No job offer needed to qualify.
- ✓ Must be submitted to DHS for permission.
- ✓ Must be applied for prior to completion of study.
- ✓ You must pay a fee.
- ✓ You must have permission from the DHS before you can begin working.

Traveling Outside the U.S.

➤ **In order to re-enter the U.S., you must have these documents with you:**

- Valid Passport
- Valid F-1 Visa
- Valid I-20
- If you are on authorized OPT, you must have a valid Employment Authorization Document (EAD)

➤ **What to do if your F-1 visa is still valid:**

You will need to submit a request for a travel signature to CIE **at least two weeks prior to your travel**. CIE must certify certain information before we can sign or issue a new I-20 for travel. You must clear all university holds before CIE can sign or issue an I-20.

➤ **What to do if your F-1 visa is expired:**

You will need to apply for a new F-1 visa to re-enter the U.S. You will need to submit a request for a travel signature to CIE **at least two weeks prior to your travel**. CIE must certify certain information before we can sign or issue a new I-20 for travel. You must clear all university holds before CIE can sign or issue an I-20. You will then take the I-20 along with other required visa application documents with you to apply for a new visa at the U.S. Embassy. You may also be subject to the SEVIS fee. Please speak to an advisor if you have questions about applying for a new F-1 visa.

➤ **Travel to Canada, Mexico and adjacent islands (except Cuba).**

The Department of State allows for the benefit of "Automatic Revalidation of Visa". Under this rule, F-1 students (*please note exceptions below*) are permitted to re-enter the U.S. after a 30-day or less visit to "contiguous territory" without having to obtain a new visa prior to re-entry (i.e. Canada, Mexico, and adjacent islands other than Cuba). In this situation, you would not give up your I-94 when you travel. You will need your I-94 to re-enter the U.S.

Exceptions:

- Citizens from Iraq, Iran, Syria, Libya, Sudan, North Korea, and Cuba are NOT eligible for the automatic revalidation of visa benefit.
- If you choose to apply for a new visa while in a contiguous territory, you will NOT be eligible for automatic revalidation of visa benefit. You will have to wait until the visa is granted in order to re-enter the U.S. If your visa is denied, you must leave to return to your home country from the contiguous territory.

Traveling Inside the U.S.

While in Knoxville you should keep your documents in a safe place. If traveling outside Knoxville take the original immigration documents and your passport with you.

I've Moved

DHS regulations require each student and their dependent(s) to update their new address within 10 days of moving. You must report the physical address where you will be residing (not your departmental address). It is your responsibility to inform CIE of your new address.

Dependents

If you have accompanying dependent(s), they will be issued their own I-20(s) and is/are eligible to stay here as F-2(s) as long as you maintain your status as an F-1 student.

DHS regulations only allow F-2 dependents to attend elementary, middle and high school on a full-time basis. Other F-2 dependents are only permitted to take courses that are "avocational or recreational" in nature. An F-2 can pursue a hobby or engage in a study that is on an occasional or casual basis. If you have an F-2 dependent that wishes to pursue a degree program, they must change their status to an F-1 student.

Special Registration (NSEERS)

The National Security Entry-Exit Registration System (NSEERS) also known as Special Registration requires nonimmigrant visitors to register at the Port of Entry as well as comply with exit procedures at the Port of Departure. Nonimmigrants who must follow these special procedures will also have to use specially designated ports when they leave the country and report in person to an immigration officer at the designated port on their departure date.

Certain citizens or nationals of Iran, Iraq, Libya, Sudan and Syria, nonimmigrants who have been designated by the State Department and any other nonimmigrant, male or female regardless of nationality, identified by immigration officers at airports, seaports and land ports of entry in accordance with 8 CFR 264.1(f)(2) can be subject to NSEERS.

***The information in this handout is not exhaustive and is subject to change without notice. Please contact an international student advisor to discuss any questions you may have about your immigration status.**

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