

# 2: Maintaining Your Immigration Status

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**Disclaimer: This section has been prepared to offer basic general background information and is NOT intended for the purpose of offering legal advice. International students and scholars may use this information as a guide but should also check with ISSS and the US Immigration Services for specific information related to their cases. All information herein is subject to change without notice.**

## **2.1: Introduction to Immigration Issues**

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The United States of America, as do all countries of the world, has laws and regulations governing international visitors who are temporarily within its boundaries. These law and regulations are amended, changed and otherwise modified on a regular basis, often based on events of the time and on the economic as well as political relations between one or more countries.

With respect to how Higher Education Institutions are able to access these regulations on behalf of their “customer” base, each university applies for and received authorization from the United States Department of State (Exchange Visitor or J Program) and from the United States Department of Homeland Security (DHS) to issue certain forms relevant to supporting non-immigrants to come to their institutions. Each institution may be authorized for only one segment of the immigration act or specific aspects of the act depending on the needs of the institution. At each institution only certain designated officers are then authorized to issue the relevant immigration documents and monitor as well as to offer counseling on the immigration rules that apply to maintenance of the individuals’ status and institutional compliance. These officers are the PDSO or Primary Designated School Official and DSO’s who are responsible for university and participant compliance with the F visa category regulations. The RO/ARO or Responsible Officer and Alternate Responsible Officer’s are the officials who monitor institutional and participant compliance with the Exchange Visitor or J visa category regulations.

The U.S.A. Immigration and Nationality Act (I.N.A.) of 1952 and the Mutual Educational and Cultural Exchange Act of 1961, along with the amendments (<http://uscis.gov/graphics/lawsregs/amendina.htm>) to each of these acts that have implemented since their creation, form the basis of the regulations and rules that must be complied with by those participating in both the F and J visa categories. These acts and regulations for their implementation can be found at:

<http://uscis.gov/graphics/lawsregs/INA.htm> and  
<http://exchanges.state.gov/education/jexchanges/>.

Under these regulations each institution and their respective PDSO, DSO’s, RO and ARO’s must develop policies and procedures which ensure that both the institutional use of the programs and the individuals covered under these programs for which the institution has issued the appropriate documents are in compliance with the regulations governing these activities.

The typical visa types that are associated with students and scholars at Auburn University are:

- a. F visa students – F-1 student proper, F-2 each dependent
- b. J visa students – J-1 student proper, J-2 each dependent

- c. J visa research scholar – J-1 research scholar proper, J-2 each dependent
  - d. J visa professor - J-1 professor proper, J-2 each dependent
  - e. J visa short term scholar (6 months or less)- J-1 short term scholar proper, J-2 each dependent
  - f. H temporary worker – H-1b temporary worker, H-4 each dependent
- For more information on visa categories and types go to: <http://uscis.gov/graphics/services/visas.htm>

Interpretation of the laws and regulations is often the area where there are significant variations both within the DHS and DOS as well as between institutions of higher education and legal advisors. Although certain aspects of the regulations detail out the data and insurance reporting functions as well as other standards which must be met, participants in these visa programs will find that there may be significant variation in both the application of local policies as well as monitoring of these programs. The responsibility for developing policies and procedures related to implementation of these programs at the local level is the responsibility of the designated officers in partnership with the administration of the institution and the agencies involved. These policies may differ dramatically from institution to institution within the U.S.A. based on the nature of the programs, the institution and the staffing that a given institution has. Students and scholars transferring from one institution may indeed find a dramatic difference or no difference at all in management styles from one institution to another.

Given the complexity of these regulations it is always a good idea to consult with the Office of International Student & Scholar Services (ISSS) about questions regarding your immigration status. Below is a summary of the essential things you will need to know about Auburn University and maintaining your status while in your AU program.

## 2.1.1: US Department of Homeland Security (USDHS)

**Post 9/11/2001 the US government combined many of the agencies that worked with border security and immigration into one agency called the DEPARTMENT OF HOMELAND SECURITY – (Note: the following text has been adapted from the US DHS web site at [www.dhs.gov](http://www.dhs.gov) )**

The Department of Homeland Security (DHS) came into being on March 1, 2003. The agencies that became part of the Department of Homeland Security are housed in several major directorates: Border and Transportation Security, Emergency Preparedness and Response, Science and Technology, Information Analysis and Infrastructure Protection, US Citizenship and Immigration Services, US Coast Guard, and the US Secret Service.

Immigration services have been completely absorbed into a new division of the DHS and within two “directorates”, Border and Transportation Security and the US Citizenship and Immigration Service. This BTS directorate includes the following:

- ❖ Transportation Security Administration (TSA) - [www.tsa.gov](http://www.tsa.gov)
- ❖ Customs and Border Protection - [www.cbp.gov](http://www.cbp.gov)
- ❖ Immigration and Customs Enforcement - [www.ice.gov](http://www.ice.gov)
- ❖ Federal Law Enforcement Training Center - [www.fletc.gov](http://www.fletc.gov)

The USCIS [www.uscis.gov](http://www.uscis.gov) directorate includes the following:

- U.S. Citizenship and Immigration Services
- Office of Citizenship
- National Customer Service Center

## **DHS BORDER & TRANSPORTATION SECURITY**

**DHS Bureau of Citizenship & Immigration Services (USCIS or CIS).** As mentioned earlier, the Department of Homeland Security (DHS) began administering the nation's immigration laws when the former Immigration and Naturalization Service became part of DHS. Through the Bureau for Citizenship and Immigration Services (USCIS), DHS continues the tradition of welcoming immigrants into the country by administering services such as immigrant and nonimmigrant sponsorship; adjustment of status; work authorization and other permits; naturalization of qualified applicants for U.S. citizenship; and asylum or refugee processing. Immigration enforcement, which is the responsibility of the Directorate of Border and Transportation Security, includes preventing aliens from entering the country unlawfully, detecting and removing those who are living in the U.S. unlawfully, and preventing terrorists and other criminal aliens from entering or residing in the United States.

Through a network of local offices, Application Support Centers, Service Centers, local area immigration services field offices, National Customer Service Call (NCSC) Centers, Forms Centers, and the Internet, USCIS processes all immigrant and non-immigrant benefits provided to visitors of the United States, including:

- Family-based petitions -- facilitating the process for close relatives to immigrate, gain permanent residency, work, etc.;
- Employment-based petitions -- facilitating the process for current and prospective employees to immigrate or stay in the U.S. temporarily;
- Asylum and Refugee processing -- adjudicating asylum and the processing of refugees;
- Naturalization – approving citizenship of eligible persons who wish to become U.S. citizens;
- Special status programs – adjudicating eligibility for U.S. immigration status as a form of humanitarian aid to foreign nationals; and,
- Document issuance and renewal – including verification of eligibility, production and issuance of immigration documents.

The nearest district office can be found online at:

[http://www.USCIS.gov/graphics/fieldoffices/distsub\\_offices/index.htm](http://www.USCIS.gov/graphics/fieldoffices/distsub_offices/index.htm).

**DHS Bureau of Immigration and Customs Enforcement (USICE or ICE).** The United States has 5,525 miles of border with Canada and 1,989 miles with Mexico. Our maritime border includes 95,000 miles of shoreline, and a 3.4 million square mile exclusive economic zone. Each year, more than 500 million people cross the borders into the United States, some 330 million of whom are non-citizens.

Again, on March 1, 2003, in order to carry out its border security mission, BTS incorporated the United States Customs Service (previously part of the Department of Treasury), the enforcement division of the Immigration and Naturalization Service (Department of Justice), the Animal and Plant Health Inspection Service (Department of Agriculture), the Federal Law Enforcement Training Center (Department of Treasury) and the Transportation Security Administration (Department of Transportation). BTS also incorporated the Federal Protective Service (General Services Administration) to perform the additional function of protecting government buildings, a task closely related to the Department's infrastructure protection responsibilities. As part of this transition, some of these agency functions were reorganized into the Bureau of Immigration and Customs Enforcement (ICE).

The BTS Directorate is responsible for securing the US national transportation systems, which move people from the borders to anywhere in the country within hours. The Transportation

Security Administration (TSA), which is now part of the BTS Directorate, has statutory responsibility for security of all of the airports. Tools it uses include intelligence, regulation, enforcement, inspection, and screening and education of carriers, passengers and shippers. The incorporation of TSA into the new Department allows the Department of Transportation to remain focused on its core mandate of ensuring that the nation has a robust and efficient transportation infrastructure that keeps pace with modern technology and the nation's demographic and economic growth.

Another important function of BTS's border management mission is enforcing the nation's immigration laws - both in deterring illegal immigration and pursuing investigations when laws are broken. BTS absorbed the enforcement units of the Immigration and Naturalization Service, such as the Border Patrol and investigative agents of INS. Working together with agents from other agencies that comprise the BTS Directorate, such as the U.S. Customs Service and Transportation Security personnel, these well-trained law enforcement professionals provide a coordinated defense against unlawful entry into the United States.

The Bureau of Immigration and Customs Enforcement (USICE) brings together approximately 14,000 Federal employees who focus on the enforcement of immigration and customs laws within the United States, the protection of specified federal buildings, and air and marine enforcement. The Bureau of Immigration and Customs Enforcement is comprised of the following primary program areas:

- Immigration Investigations – responsible for investigating violations of the criminal and administrative provisions of the Immigration and Nationality Act (INA) and other related provisions of the United States Code
- Customs Investigations – responsible for investigating a range of issues including terrorist financing, export enforcement, money laundering, smuggling, fraud – including Intellectual Property Rights violations, and cybercrimes
- Customs Air and Marine Interdiction – responsible for protecting the Nation's borders and the American people from the smuggling of narcotics, other contraband, and terrorist activity with an integrated and coordinated air and marine interdiction force
- Federal Protective Service – responsible for providing a safe environment in which Federal agencies can conduct their business by reducing threats posed against the over 8,800 General Services Administration (GSA)-controlled facilities nationwide
- Detention and Removal - responsible for promoting the public safety and national security by ensuring the departure from the United States of all removable aliens through the fair enforcement of the nation's immigration laws.
- Immigration Intelligence – responsible for the collection, analysis, and dissemination of intelligence to immigration staff at all levels to aid in making day-to-day, mid-term, and long-term operational decisions; acquiring and allocating resources; and determining policy
- Customs Intelligence – responsible for the collection, analysis, and dissemination of strategic and tactical intelligence data for use by the operational elements of customs enforcement.

As everyone is aware September 11, 2001 was a pivotal day for the world related to the relationships between governments and those seeking to travel between countries for study, work, and tourism. Although the originally the former US INS planned on phasing in a major electronic reporting system

over a five year period, September 11, 2001 changed the future of the electronic reporting requirements. In January of 2002 Auburn University, following nearly five years of work with the US immigration service and 20 other universities in the southeast on a pilot project called CIPRIS, began participating in the enhanced deployment of SEVIS. CIPRIS came to an end in 2001 and as of January 2002 AU and the original 20 pilot schools began participating in the issuance of the SEVIS I-20 and SEVIS web based electronic reporting system for F, M, and J visa holders. By October of 2002 the US Department of State implemented the J Exchange Visitor component of the SEVIS system. In the Spring of 2003 SEVIS was transferred from USCIS management to that of USICE. Although USCIS originally managed many of the immigration support needs, USICE was charged with monitoring SEVIS and enforcing the immigration regulations associated with being an international student or scholar in the US.

For more than 50 years, U.S. educational institutions have been required to maintain information about foreign students studying at their facilities. In the past, this was a decentralized, inefficient, and paper-driven system. SEVIS, for the first time, automated and centralized this system. SEVIS allows for real-time access to this information and helps students comply with the terms of their visas. Given this as background, ICE announced the full implementation of the SEVIS System with a series of new steps to help law-abiding foreign students, as well as U.S. educational institutions. These steps required full compliance by the August 1, 2003, filing deadline for having all international students and scholars currently in the US in the SEVIS system.

The U.S. Congress mandated that August 1, 2003 be the deadline for U.S. educational institutions with a foreign student population to be certified participants in SEVIS and have information about these current foreign students and scholars entered into SEVIS. Through July of 2003, 5,937 U.S. schools complied with this deadline and became SEVIS-certified, enabling them to accept foreign students. At the time of printing of this document in 2004 over 6,000 US institutions have been certified for SEVIS participation. All foreign students and scholars entering the US after August 1, 2003 had to have SEVIS documents.

Note that SEVIS and all the associated reporting functions are now under the ENFORCEMENT division of the DHS. Historically all immigration functions were supported under the “customer services” side of the immigration services. Many “service” functions still remain in the customer service side (USCIS) however reporting and enforcement functions now reside under the USICE.

**IMMIGRATION DOCUMENTS** – All students, dependents and scholars as well as their dependents must now have SEVIS documents as described below:

F- Student Program – an I-20 with a bar code and a SEVIS ID number above the bar code (the number starting with a letter and having 10 digits following it, for example: N0001100000). Additionally each dependent (F-2) must have their own I-20 document which will also have a specific SEVIS ID number and bar code on it, in addition to the information on the F-1.

J- Exchange Visitor Program – The DS-2019 is a SEVIS generated document that has the SEVIS bar code and the SEVIS ID number on it above the bar code. Again, as with the F-student program, each dependent (J-2) will now have a unique number and specific dependent DS-2019.

Dependent SEVIS document – As mentioned above each dependent has their own documents and must travel with these documents. To make sure that you have the right documents for dependents look for the word “Dependent” above the bar code and SEVIS ID number. The status of dependents is reflected by the primary F or J information located on the SEVIS



dependent documents. As you are aware dependent status is entirely related to the status of the primary (in this case F-1 or J-1, note this relationship is similar for most other visa types.)

Visa and Entry into the US documents – As of August 1, 2003, no F or J status visa holders are allowed into the US without the SEVIS ID. Additionally no student or exchange visitor visas will be issued to anyone not holding a valid SEVIS document. All consular offices and ports of entry now access the SEVIS data to verify the validity of the documents, applications, etc.

Machine-readable passports (visa waiver program only) – Starting October 1, 2003, the US government announced the intention of requiring those entering the US to hold a machine-readable passport (MRP). Although this program is now being implemented it does not appear to be fully implemented as of the print date of this publication be aware that there are continuing changes to the passport requirements for ENTRY into the USA. These changes include all categories of passports-- regular, diplomatic, and official, when the traveler is seeking to enter the U.S. for B-1/B-2 purposes. To learn more, see [http://travel.state.gov/visa/temp/without/without\\_1990.html](http://travel.state.gov/visa/temp/without/without_1990.html) Check with your governments to see if they are replacing their passports with new MRP documents.

All the F and J I-20 as well as DS-2019 documents are now printed using laser printers on standard white paper. If the document has a SEVIS ID number then the document was generated from SEVIS. Schools do not have the authority to issue SEVIS ID numbers directly rather they must be certified to participate in SEVIS and enter the data directly in the DHS USICE SEVIS system. US consulates and Ports of Entry now have access to the SEVIS data in their systems and can verify the issuance of each document.

**NEW IMMIGRATION RULES AND REGULATIONS:** The US government publishes new rules and regulations in the official government called the Federal Register. This can be located at: <http://www.gpoaccess.gov/fr/index.html> . Although in general most rules and modification to the US immigration regulations have already taken place new rules can be promulgated each year and at any time. As of September 1, 2004, the US DHS will implement the SEVIS fee originally authorized in the late 1990's by the US Congress. This fee will principally affect anyone changing status, applying for an F or J visa, and those who apply for reinstatement.

**WHAT DOES THIS ALL MEANT FOR AU INTERNATIONAL STUDENTS AND SCHOLARS?** In general it means that you must be very careful about maintaining your status. You must also think well ahead of your intended actions. You can no longer assume that the old rules apply and again you must be **PROACTIVE** in maintaining your status, this is **YOUR** responsibility and **NOT** that of anyone else. In order to help you with your understanding AU ISSS is offering the following information.

## 2.1.2: Checklist to Maintaining Your Status

Again recall that as of January 31<sup>st</sup>, 2003, DHS updated all their regulations and policies to make them more compliant with electronic reporting and less open to interpretation. You should check the OIP web site ([www.auburn.edu/international](http://www.auburn.edu/international)) or specific changes to the requirements related to maintaining your status. Also check the DHS web site: [www.uscis.gov](http://www.uscis.gov) and Department of State web site: [www.state.gov](http://www.state.gov) looking for visa related information.

Specifically be aware that the following general rules apply to you based on the US Immigration regulations:

- If you wish to modify or change anything pertinent to your stay and or status in the US you must secure those modifications and changes **PRIOR to taking any action**. Although in the past there may have been a perception that there was flexibility in correcting technical or minor infractions this is definitely no longer the case.
- If you register for less than full time enrollment or change the prescribed plan of study or program you must have **written authorization** from OIP and in some cases from DHS **BEFORE (PRIOR) registering for less than full time or changing your plan or program**.
- Students and scholars entering the U.S. for the first time or returning with a new visa must report within five working days to ISSS so we can register you in SEVIS. If ISSS does not report you as having arrived or your new documents you will be considered to be out of status and must depart the U.S.
- Students and scholars and dependents must report their physical LOCAL address (no PO box or business or university administrative address) where they are actually living immediately to ISSS on arrival. Every change of address must be reported within 10 days of the change of address. If you do not report your physical address or change of address again you will be out of status.
- Be aware that the grace period interpretations have changed, do not assume you have any grace periods and check with ISSS for exact information.

Again these are just a few of the major changes taking place. Remember keeping ISSS informed of your plans will make it easier for you to stay in status and for ISSS to help you stay in status.

| <b>F-1 Status (I-20)</b> |  | <b>J-1 Status (DS-2019)</b> |   |
|--------------------------|--|-----------------------------|---|
| →                        | Keep a valid passport at all times   | ➤                           | Keep a valid passport at all times  |
| →                        | Keep form I-20 valid at all times by following the proper procedures for: changing your educational level (degree, etc..) or program (college, etc..), extending your stay and transferring to or from another program or institution; | ➤                           | Keep form DS-2019 valid at all times by following the proper procedures for: changing your category, educational level (degree, etc..) or program (college, etc..), extending your stay and transferring to or from another program or institution;   |
| →                        | Have a valid I-94 marked D/S   | ➤                           | Have a valid I-94 marked D/S  |
| →                        | Pursue a “full course of study” every academic session or semester at the institution listed on your I-20; Recall that anything less must be authorized in writing PRIOR to dropping below the full course of study                    | ➤                           | <ul style="list-style-type: none"> <li>▪ For students seeking a degree pursue a “full course of study” or for non-degree students pursue a “prescribed course of study” every academic session or semester at the institution.</li> <li>▪ For all other scholars in J-1 status they must be following the program for which the DS-2019 was issued.</li> <li>▪ For all categories of J, please recall the PRIOR to requirements for all changes, modifications, etc. to the program.</li> </ul> |
| →                        | Make normal progress towards your program of study and completing your program on or before the dates on your I-20;  | ➤                           | All participants must be engaged in appropriate activities relevant to the definitions and expectations for the category for which the DS-2019 was issued;  |
| →                        | Report physical address to OIP, DHS/USCIS/USICE and DOS and report all changes of address to the DHS on form AR-11 within 10 days of your change of address;   |                             |   |
| →                        | Not work either on or off campus unless specifically authorized under the regulations and by your PDSO, DSO;   | ➤                           | Not work on or off campus unless specifically authorized under the regulations and category for which the DS-2019 was issued; and by school RO/ARO.   |
| →                        | Remain in the U.S.A. for no longer than 60 days after <b>completing</b> the full course of study, unless you have followed procedures and applied for other benefits which you may be entitled to under regulations;                   | ➤                           | Remain in the U.S.A. no longer that 30 days after <b>completion</b> of the activity for which the DS-2019 was issued or following the end date on the DS-2019 whichever comes first.  |

| <b>F-1 Status (I-20)</b> |  | <b>J-1 Status (DS-2019)</b> |  |
|--------------------------|--|-----------------------------|--|
| ➔                        | Abide by the rules requiring provision and disclosure of information and prohibition on criminal activity.   | ➤                           | Abide by the rules requiring provision and disclosure of information and prohibition on criminal activity. |
| ➔                        | Ensure that all DEPENDENTS are complying with DHS/USCIS/USICE rules and regulations. <ul style="list-style-type: none"> <li>▪ F-2 dependents may NOT work and may NOT attend class full time (incidental only).</li> <li>▪ J-2 dependents may NOT work WITHOUT USCIS approval (issuance of an EAD card) and may currently (August, 2003) attend school without restriction. J-2 should check with ISSS prior to seeking admission to a program as DHS/DOS have expressed intent to remove the J-2 full course of study option. F-2 and J-2 should change to F-1 or J-1 status as appropriate in order to attend school.</li> </ul> |                             |  |
| ➔                        | Maintain valid health insurance that is Equal to or Greater than the Auburn University Nonimmigrant student and scholar health insurance plan. AU automatically enrolls you in this plan unless you have received a waiver from ISSS in Foy.   |                             |  |

## 2.2: Immigration Documentation

### 2.2.1: Passport

Your must have a valid passport at all times. When traveling you should make sure that your passport is valid for at least six months past the last date of your intended activity abroad. Should you need to renew or extend your passport check with your embassy or consulate in the U.S.A. The website <http://www.embassy.org> has a listing of contact information for most embassies in the U.S.A. and U.S.A. embassies/consulates around the world.

When traveling in the US you must now carry all your documents including your passport at all times. In Auburn you should store your documents in a safe place and keep a copy with you at all times. It is always a good idea to keep a copy of your passport and all documents in a place separate from your actual passport in case the original becomes lost or stolen. Your embassy or consulate should be able to issue a replacement passport more promptly if you can provide them with a copy of the original. If your passport is lost or stolen, immediately file a report with the Auburn University Campus Police and the proper police authorities for where the loss or theft occurred. You will need to send a copy of the police report(s) when you file for a replacement passport.

For passport renewal, your embassy/consulate may also need a letter verifying your current status here at Auburn. You may request such a letter from the Office of International Student & Scholar Services. It takes approximately 30 working days for letters to be prepared. Scholars should also get a letter from their department verifying that they are associated (employed) with that department and pursuing the stated program objective indicated on their DS-2019.

Upon arriving at Auburn and each time you renew or extend your passport you must provide a copy to the AU Office of International Student & Scholar Services for your file.

Machine-readable passports (visa waiver program only) - Starting October 26, 2004, each Visa Waiver Program traveler must present a machine-readable passport (MRP) at the U.S. port of entry to enter the U.S. without a visa, otherwise a nonimmigrant visa is required. This change includes all categories of passports-- regular, diplomatic, and official, when the traveler is seeking to enter the U.S. for B-1/B-2 purposes. To learn more, see [http://travel.state.gov/visa/temp/without/without\\_1990.html](http://travel.state.gov/visa/temp/without/without_1990.html) Check with your governments to see if they are replacing their passports with new MRP documents.

## 2.2.2. I-20 and DS-2019

For those holding the F visa the correct form is the USCIS/USICE SEVIS Form I-20A-B Certificate of Eligibility for Nonimmigrant Student Status and for those holding the J visa the correct form is the DOS Form DS-2019 Certificate of Eligibility for Exchange Visitor (J) Status. These are the documents that serve as the supporting documentation issued by Auburn and other universities to invited students and scholars to come to the U.S.A. for specific activities. These forms and others are issued following admission to a program, acceptance to certain types of employment, etc. All the SEVIS documents will have a security bar code and SEVIS ID number on them. For more information on the documents please check the ISSS web site.

### 2.2.2.1: Financial Support - Cost of Attendance

For current cost of attendance you should always check the OIP web page <http://www.auburn.edu/academic/international/iss/cost.php>. Each year the ISSS posts new figures that must be used to determine the cost of attendance for I-20 and DS-2019 documents. These figures are based on the AU Office of Financial Aid calculations which are published by AU for federal financial aid purposes. Although under most circumstances international students are NOT eligible for financial aid we must use these official published figures for such calculations.

Each time you request a new I-20 or DS-2019 for travel authorization, I-20/DS-2019 for a new visa, change of status, change of level, CPT/OPT/AT, etc. ISSS will verify the dates of your last financial support documentation. If your financial support documents are older than six months then you will be asked to provide current letters and documentation that shows your current financial support. Although your financial situation may not have changed substantially each time your documents are reviewed by Port of Entry or other DOS or DHS officers they may request current documents (less than 12 months old). Please review the US CIS SEVIS What to expect at the Port of Entry

[http://www.ice.gov/graphics/sevis/factsheets\\_old.htm](http://www.ice.gov/graphics/sevis/factsheets_old.htm)

### 2.2.2.2: Program of Study or Prescribed Activity

For both F and J programs you should very carefully attend to the program of study or activity for which the I-20 or DS-2019 has been issued. In the case of students this is usually indicated by the degree program and college. If you change degree programs and or colleges, you must report these changes to the Office of International Student & Scholar Services so that we can issue a new document reflecting your new program. If you are in a dual degree program you must be taking at least 50% of your coursework in the degree program for which the I-20 was issued. The I-20 and DS-2019 cannot reflect both degrees on the one document therefore we will always reflect the principle degree program with your other degree being incidental or secondary to the one noted.

In the case of DS-2019 or J visa holders please make sure that you are complying with the principal activity for which your documents were issued. For instance, if you are a research scholar in Fisheries you may not move to a research scholar in business without first contacting ISSS to have your case reviewed. Additionally if a J research scholar, professor, etc. you may not work at another location than the one designated on your DS-2019. As this varies from category to category and individual to individual please consult with the Office of International Student & Scholar Services if you have any questions.

## 2.2.3: Visa

A visa is permission granted by the U.S.A. to request entry into the U.S.A. It is the multi-colored stamp or label affixed into your passport that you obtained from the American Embassy or Consulate abroad. Your visa can be issued for single or multiple entries into the U.S.A. An American visa has a visa number, the visa type, the visa issuance date, the number of entries, and the visa

expiration date. Your visa for entry in the U.S.A. may expire while you are inside the country. If your passport is valid, you have a current I-20 or DS-2019, you are pursuing a full-course of study, and you are maintaining your legal immigration status you will only need to renew your visa if you need re-enter the U.S.A. subsequent to travel back home or elsewhere in the world. Your visa is permission to request entry into the U.S.A., for the F and J visa categories it CANNOT be renewed while you are inside the U.S.A. However, the I-20 or DS-2019 and I-94 can be extended in the U.S.A. Also under certain circumstances you may apply to change your status while remaining in the U.S.A. All changes must be done PRIOR to going out of status or to changing the purpose of your entry into the U.S.A.

There are many different types of visas. An **immigrant visa** is given to someone who intends to live and work permanently in the United States. In most cases, your relative or employer sends an application to the USCIS for you (the beneficiary) to become an immigrant. (Certain applicants such as workers with extraordinary ability, investors, and certain special immigrants can petition on their own behalf.)

A **nonimmigrant visa** is given to someone who lives in another country and wishes to come temporarily to the United States for a specific purpose. Nonimmigrant visas are given to people such as tourists, business people, students, temporary workers, and diplomats. There often is confusion between a visa and status. The visa is like the key you use to enter a door, once inside you may not need it to stay inside, however you must have entered legally. The status is the condition under which you are allowed to remain inside.

For more information see: <http://www.unitedstatesvisas.gov/>

### **2.2.3.1: F-1 Status**

F-1 student status will allow you to remain in the U.S.A. as long as you are a properly registered full-time student. To maintain full-time status if you are an UNDERGRADUATE degree seeking student at Auburn University you must take at least 12 semester credit hours per semester, or if you are a GRADUATE degree seeking student at Auburn University you must carry at least 9 semester credit hours per semester if you have not completed your plan of study. Students on other types of programs should check with their program sponsor to ensure that they are meeting their full time status requirements. Under certain extenuating circumstances (serious medical condition, etc.) DHS/USCIS/USICE has made provisions for students to get authorization to drop below full time status. This authorization must be sought from the Office of International Education in **ADVANCE OF REGISTERING OR DROPPING COURSES** where the result will be less than 9 or 12 semester credit hours.

An F-1 student may request that his or her dependants be permitted to join him/her in the U.S.A. To make such a request, the student must provide adequate financial documentation (see ISSS Cost of Attendance web page for specific information) for each dependant along with complete names, (Family Name, Given Name), date of birth, and relationship to the F-1 student – such as spouse (husband or wife) or children (son and/or daughter). These dependants will hold F-2 status and are not permitted to work or study in the US (see ISSS for details).

### **2.2.3.2: J-1 Status**

An Exchange Visitor Program J visa permits an individual to enter the U.S.A. for study, teaching, research or training. The individual presents a DS-2019 form to an American embassy or consulate abroad to obtain a J-1 visa. The person is obligated to engage in the activities specified on the DS-2019 form while in the U.S.A. The spouses and children of J-1 visa holders are issued J-2 visas. Under certain conditions spouses may be employed with prior written authorization from the

DHS/USCIS. As of 2003 the DOS has expressed intent to NOT allow J-2's to study full time in the US however these regulations have NOT been published as of this date.

### 2.2.3.3: Other Visa/Documentation Issues

Tourist visas are perhaps one of the most difficult pitfalls that students fall into when first coming to the U.S.A or when they run into difficulties with renewal of visas, etc.. This is the B visa category. It is meant for those individuals coming to the U.S.A. for the sole purpose of being tourists or visitors or on a short-term business trip. It has very strong limitations as to what you can or cannot do. **Primarily you are not allowed to be a full time student under this category.** If you or your friends use this visa category to come to study in the U.S.A. and you try to change to F or J status within the U.SA there are stringent limitations on applying for change of status, in most cases you will probably be denied. Most U.S.A. consulates in both Canada and Mexico will NOT change your B visa to F or J, they will tell you to go back to your home country and apply for the change there. **Again using other visa types to facilitate your entry into the U.S.A. is NOT advisable as it could be determined that you received the other visa type for fraudulent purposes (i.e. you intended to be a student all along).**

Be aware that there is a lot of information that this handbook cannot cover due to the overall complexity of the U.S.A. immigration regulations. You may read a handout, talk to a friend or even many friends, talk to other institutions, etc. and hear a lot of different information on how to go about getting a specific visa or benefit. The most essential thing you must do is protect yourself and your long term interests. **If you hear of a way to get something or do something that is simple or different from what the DSO or RO who is advising you has suggested or told you be VERY CAUTIOUS. At Auburn University the only officials designated to discuss immigration issues are the staff in the Office of International Student & Scholar Services. If you take advice from others ISSS may not be able to assist you in getting out of a problem.**

### 2.2.4: I-94 Form (Arrival/Departure Record)

The I-94 shows that you have been lawfully admitted into the U.S.A. The I-94 arrival/ departure number is also known as the "admission" number. This is given at the port of entry into the U.S.A. to every non-U.S.A. citizen who enters the U.S.A. It is the small white card that is usually stapled into passport on the page next to your American visa. **This is a very important document and must be kept safe; do not lose it.** The I-94 contains an 11-digit number call the Arrival/ Departure number that is a computerized number that DHS assigns to you to keep track of your arrival and departure from the U.S.A.

The I-94 should not be confused with your American visa. The I-94 has an immigration stamp on it in red ink, which shows the three letter code for the port of entry (POE) by which you entered the U.S.A., the date you entered, the visa status with which you entered and the expiration date of your stay. The I-94 is surrendered each time you leave the U.S.A., and a new one is given to you each time you re-enter the U.S.A. If you are traveling to Canada or Mexico for short term visits under 30 days please check with the border crossing procedures as you may not be required to turn in the I-94 upon departure from the US. In fact if your visa has expired you will need the I-94 card to be able to return to the US under certain very limited conditions.

F-1 students should receive the same number each time on their I-94, and are identified by this number during their entire stay in the U.S.A. J-1 students and scholars usually receive a new number each time they re-enter the U.S.A. Although, J-1 exchange visitors may not necessarily receive the previously mentioned D/ S condition.

Note that often the USCIS/USICE officers make annotations on the I-94 card, please make sure you read the front and back of the cards carefully to make sure you do not have a restriction that has been placed on your stay. Annotations such as I-515 or Special Registration FINS#, etc. are time sensitive issues that you must address in a timely manner or you may be forced to leave the US.

Also each time you get a new I-94 card please bring a copy of it to the Office of International Student & Scholar Services so we can keep it on file.

#### **2.2.4.1: Expiration Date of the I-94**

If you are a F-1 student, and you entered the U.S.A. with an I-20 form, it is very probable that you were given an I-94 at the port of entry with the expiration date that is written in the following format: "D/ S". D/ S is an abbreviation that DHS uses to indicate "Duration of Status." This means that you are admitted until the completion date indicated on your I-20 in item #5. Because the actual date an F-1 student will complete his or her degree may vary, or the student may continue on for a higher degree, the DHS does not give an actual expiration date on the I-94. Whenever you are asked to fill in forms and list the expiration date of your I-94 and you are an F-1 student, the correct answer is "D/ S." The actual expiration date is the date noted on your I-20 which the university has determined you should be able to complete your studies for the current degree you are pursuing. If you complete your program earlier that is the actual end date of your program however if you have not completed your studies by that date, you should contact ISSS at 228 Foy for more information.

If you are a J-1 student or research scholar or professor, your I-94 will have should have a D/S or expiration date written on it. However, the DS-2019 contains the actual ending date of your J-1 program. End of program dates on the DS-2019. If the dates do not match or if you have not completed the degree or program for which you are currently studying by this date, consult with the Office of International Student & Scholar Services for further information.

**Note:** The DHS/DOS provides departure grace periods only for those successfully terminating their studies or programs. You may not work or receive compensation following the end of your program or during the grace period. See note in the Grace Period Section for more details.

#### **2.2.4.2: WHAT IS SPECIAL REGISTRATION? US VISIT?**

**US VISIT**, is part of a continuum of security measures that begins overseas and continues through a visitor's arrival in and departure from the United States. It incorporates eligibility determinations made by both the Departments of Homeland Security and State. In many cases, US-VISIT begins overseas, at the U.S. consular offices issuing visas, where visitors' biometrics (digital finger scans and photographs) are collected and checked against a database of known criminals and suspected terrorists. When the visitor arrives at the port of entry, we use the same biometrics – digital finger scans – to match that the person at our port is the same person who received the visa. At the POE visitors are registered as having entered the US and upon exit the system will register the departure. This program is being implemented throughout the US in different stages at this time however everyone registered through this system should ensure that they are complying with all entry and departure procedures associated with US VISIT. For more information go to: [www.dhs.gov/us-visit](http://www.dhs.gov/us-visit)

**Special Registration** is a US immigration process that is now being incorporated into the US VISIT system and over time the terminology Special Registration will disappear however as many visitors to the US have been "special registered" the following information remains relevant. For detailed information go to: <http://www.ice.gov/graphics/specialregistration/index.htm>

NOTE: Special Registration has **nothing to do with registration for classes** our courses at a university, college or school. It is a very specialized term related to immigration

processing. Special Registration is neither monitored nor done by the international education/programs offices on US campuses, it is a DHS USCIS/USICE procedure.

**REGISTRATION** - Special Registration is a system that will let the government keep track of non-immigrants that come to the U.S. every year. Some of the approximately 35 million non-immigrants who enter the U.S. – and some non-immigrants already in the U.S. -- will be required to register with immigration authorities either at a port of entry or a designated immigration office in accordance with the special registration procedures. These special procedures also require additional in-person interviews at an immigration office and notifications to immigration authorities of changes of address, employment, or school.

**WHO IS SUBJECT? This system was amendment from the original regulations by suspending the 30-day and annual re-registration requirements for aliens who are subject to the National Security Entry-Exit Registration System (NSEERS) Registration. Instead of requiring all aliens subject to NSEERS to appear for 30-day and/or annual re-registration interviews, the DHS will notify individual aliens of future registration requirements. Please note the following:**

- At the discretion of the Port of Entry officers any non-immigrant arriving into the US may be subject to special registration citizens and nationals who are identified for special registration will be required to follow specific procedures.

How do you know if you are required to be special registered? READ the instructions that you have been given by the USCIS when EXITING or ENTERING the US in addition check the web site noted above and the WalkAway materials handed out by the USICE at the POE <http://www.ice.gov/graphics/specialregistration/WalkawayMaterial.pdf> For those entering the US you should have a Fingerprint Identification Number (FIN#) entered on your passport and I-94 card (this is a FIN#) and you will have been provided with a copy of instructions to follow. If you do not have a FIN number but were annotated as Special Registered you should follow the instructions for SR to be certain of your status.

**DEPARTURE FROM US** - Non-immigrants who must follow these special registration procedures will also have to use specially designated ports when they leave the country and report in person to an immigration officer at the port on their departure date. **FAILURE TO REPORT TO THE IMMIGRATION OFFICER ON THE WAY OUT OF THE US MAY RESULT IN YOUR INABILITY TO RETURN TO THE US. Failure to report into the appropriate district office every twelve months as instructed may result in your being placed in detention for deportation.**

**Address Changes** – If you have been special registered you must file a **SPECIAL REGISTRATION ADDRESS CHANGE FORM**. Although it may look the same as the regular address change form it is **NOT**. Go to for the AR11-SR form: <http://uscis.gov/graphics/formsfee/forms/ar-11sr.htm> This must be filed directly and not through OIP, although you must still report your address change to OIP for SEVIS purposes.

## 2.2.5: Renewal/Extension of I-20 and DS-2019 Documents

You are responsible for keeping track of the expiration dates on your documents. The expiration date of the

- I-20 reads “This form covers the period from 00/00/00 to 00/00/00”
- DS-2019 reads: "This form covers the period from 00/00/00 to 00/00/00"



That ending date is the last date of the program on either form and is the end of your status (D/S). For J visa holders if there is a date on the I-94 this date will usually reflect a 30-day grace period that has been added to your stay. If you plan to extend your stay, you must file in ADVANCE (PRIOR TO) of the **last date of your program not your expiration dates** for the I-20, DS-2019 or I-94. If you need to file for an extension consult immediately with ISSS for further instructions. Effective January 2003 **no extensions can be granted AFTER the expiration date** has been reached.

In the case of J visa holders, if a program sponsor OTHER THAN Auburn University issued your DS-2019, you will have to contact your sponsor to issue you a new DS-2019 form. Filing an extension of the I-20, DS-2019 and I-94 does NOT renew your J-1 visa in your passport. The J-1 visa stamp in your passport does not need to be valid while you are in the U.S.A., as long as you maintain the status and the validity of your I-20 or DS-2019, passport and I-94. If you travel outside of the U.S.A. with an expired F or J visa, you must renew it in your home country prior to re-entry to the U.S.A. Check with the U.S.A. consulates for their procedures and timelines for renewals, normally they require appointments many months in advance.

If you need to extend your I-20/DS-2019, you must follow these steps:

1. Check the ISSS forms pages for specific forms and instructions related to extensions.
2. Complete an ISSS request form if you hold an I-20 or a DS-2019
3. Obtain a letter from your faculty advisor, department chair or supervisor - on department letterhead stationery, addressed to the Auburn University Office of International Student & Scholar Services and including:
  - a. your new completion date
  - b. a statement that you have been making satisfactory academic progress towards your degree or working on your specific assigned activity
  - c. the amount and source of your funding during the extension period
  - d. any pertinent information explaining any delays or other compelling circumstances that explain the delay in your completing your program activities
  - e. a new date for graduation or completion of your program.

If you have not maintained valid F-1 or J-1 status, you will need to apply for **Reinstatement**. Check with the ISSS for information regarding the Reinstatement procedures. While out of status you are not eligible for any DHS benefits, you must not work, and you cannot change status or re-enter the U.S. if you depart unless you come in on a new initial attendance document.

### **2.2.5.1: Program Completion Date**

Students and scholars should be aware that although your I-20 or DS-2019 dates may indicate a completion and expiration date that this date is not necessarily your completion date and that specifically for students your graduation may not be your completion date. Graduation from Auburn University is normally the completion date for undergraduate students and some graduate and professional students. Cessation of employment or participation in a specific project is normally the completion date for those in J research scholar, professor or visiting scholar status.

For F and J students, if you are administratively enrolled you will also be considered to have ended your program. Administrative enrollment means situations where you missed a specific graduation term therefore you have been registered for “graduation” and or one credit hour of course work. THIS OPTION IS NO LONGER AUTHORIZED UNDER THE DHS/DOS regulations.

There is another **EXCEPTION** to this generally accepted rule for students who receive a Completion Certificate from Auburn, meaning that all degree requirements have been met and all you are waiting for is the formal graduation ceremony. This is usually something that graduate students

receive especially if they have completed all their degree requirements at the beginning of a given semester and then wish to leave to seek employment, etc. In the case of international students if you receive such a Completion Certificate the date that you completed your degree/program is noted on the certificate. That date is the date you completed your program and you have a very limited grace period (see Grace Period Section) to leave the U.S.A. or apply for another benefit such as change of status. NOTE: You may no longer apply for OPT or Academic Training during the grace period after completion of the program. In these cases where completion has occurred prior to the printed end date your program ended on that date and not the date on the I-20 or DS-2019.

This can have very serious consequences if you are not attentive, for instance if you receive a certificate of completion shortly after the start of the Spring semester for example on January 27<sup>th</sup> then you will have 60 days (F visa holder) or until March 26<sup>th</sup> to depart the U.S.A. or apply for any other immigration benefit you might be eligible for. If you do NOT have another benefit available, such as OPT, or change to another visa type, etc. you will have to leave the U.S. BEFORE graduation and you will be unable to participate in graduation ceremonies unless you return under some other type of visa. If you stay past the appropriate number of grace period days following the program completion without an appropriate benefit program or different visa status, you will be in OVERSTAY condition and that could result in very serious penalties. If you have any questions come by the Office of International Education.

For those on J visiting scholar, research scholar or professor or exchange students the completion period is the last day of employment or the last day of classes for the exchange program. You must then comply with the GRACE PERIOD regulations.

## 2.2.6: Grace Periods

DHS and Department of State provide for grace periods under certain limited conditions. These grace periods are defined as periods of time for entry into the US or for departure from the US following **successful completion** of the program activities you entered the US under. Note if you terminate your program early, are suspended or expelled, fired or terminated from your work assignment, etc. there is **NO GRACE PERIOD** for departure or application of other benefits. You **MUST LEAVE** the United States immediately. If however you successfully complete your program activities, graduate, etc. current regulations allow for the following:

|   |   |
|---|---|
| <b><u>F visa</u></b>  | <ul style="list-style-type: none"> <li>• Up to 30 days to enter the US prior to start of program</li> <li>• Withdrawal – without DSO approval prior to withdrawal – no grace period immediate departure required</li> <li>• <b>Withdrawal</b> – with DSO approval prior to withdrawal – 15 days to depart US</li> <li>• Program Completion: Up to 60 days to depart the US following completion of the program. Currently you may apply for other immigration benefits during this period however you may not extend during this period.</li> </ul> |
| <b><u>J visa</u></b>  | <ul style="list-style-type: none"> <li>• Up to 30 days to enter the US prior to start of program</li> <li>• Up to 30 days to depart the US following completion/end of the program. Currently you may apply for other immigration benefits during this period however you may not extend during this period.</li> </ul>   |
| <ul style="list-style-type: none"> <li>• <b><u>NO EXTENSIONS CAN BE GRANTED DURING THE GRACE PERIOD.</u></b> Extensions must be applied for prior to the completion or end of the program.</li> </ul> |   |

Also be aware that if you change to any other visa status do NOT assume that there is any grace period with those visa types. For instance H-1b, you must immediately leave the US unless you have applied PRIOR to the last day for an immigration benefit which allows you to legally remain in the country. Also be aware that not all benefits allow for this. **If you assume you have NO grace**

**period for anything and you apply for benefits, changes of status, extensions, etc. BEFORE your program ends you will be much better off.**

## **2.3: Transfer Students/Scholars**

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Transfer students and scholars are those students or scholars who transfer from another university or program within the U.S.A. to Auburn University or to another school or program in the United States from Auburn University.

Under SEVIS and effective August 1, 2003, all students and scholars wishing to transfer must notify their hosting institution of the intent to transfer and provide a RELEASE date upon which the transfer is to be completed. The RELEASE date is entered into SEVIS and after this date the SEVIS record is no longer available to the original school which released the record. The student or scholar is now the responsibility of the receiving institution or program and students/scholars must comply with the receiving institution reporting requirements. It is imperative that students and scholars be aware that changing ones mind AFTER the RELEASE date may result in severe complications including a need for the individual to depart the US and possibly apply for a new visa.

**TRANSFERRING TO AUBURN:** When coming from another institution or program in the U.S.A., F-1 or J-1 status students/scholars will be issued an Auburn University I-20 or DS-2019. Prior to issuing such documents ISSS must receive a completed “Auburn University Status Verification Form” so that the appropriate immigration documents to attend Auburn can be issued. F and J holders must report to the ISSS to initiate the transfer process during the first 5 days of classes. Upon arrival ISSS updates the appropriate SEVIS record and certifies the presence of the students, scholar and or any dependents.

**If you are a student who previously attended a U.S.A. institution and intend to transfer to another U.S.A. institution after a temporary absence from the U.S.A. of LESS than five (5) months), you must have a transfer I-20 or DS-2019 from Auburn University to enter the US AND to attend this school.** You must have a valid F-1 or J-1 visa in your passport in order to use a transfer I-20 or DS-2019. Do not re-enter the U.S.A. on the I-20 or DS-2019 issued by the school you have left. F-1 and J-1 transfer students may not receive assistantships or work on campus until the SEVIS transfer procedure is completed.

**If you are a student who previously attended a U.S.A. institution and intend to transfer to another U.S.A. institution after a temporary absence from the U.S.A. of MORE than five (5) months), you must have a new INITIAL ATTENDANCE I-20 or DS-2019 from Auburn University to enter the US AND to attend this school.** You must have a valid F-1 or J-1 visa in your passport in order to enter the US on the I-20 or DS-2019. Do not re-enter the U.S.A. on the I-20 or DS-2019 issued by the school you have left. F-1 and J-1 transfer students may not receive assistantships or work on campus until the SEVIS transfer procedure is completed.

**TRANSFERRING TO ANOTHER US SCHOOL:** If you are an Auburn student transferring to another institution in the U.S.A., you should contact the International Education office at the other institution and notify the AU ISSS. You will be asked by your new institution to provide AU ISSS with a status verification form for that school which will be completed by the AU ISSS following a review of your file. The AU ISSS sends these forms directly to you new school. You will also need to provide ISSS with a **RELEASE date for SEVIS**, after this date ISSS will have no way to access your record only the receiving school or program. Once the status verifications are done and assuming you are remaining in the U.S.A. you will receive a transfer notification or I-20 noting your move from one school to another and you may begin your program. As each case is often different

due to circumstances it is very important that you check with the appropriate international education office for further advice.

NOTE: Transfers must be authorized in ADVANCE (i.e. **PRIOR**) to your dropping your classes, moving to the other school, ending your program, or changing your status in any way. For J program participants transfers **CANNOT BE DONE DURING THE SIX MONTH END OF PROGRAM EXTENSION PERIOD.**

## 2.4: Full Course of Study/ Prescribed Course of Study/ Prescribed Program or Activity

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**According to DHS AND DOS regulations all non-immigrants in F or J status must be making normal programs towards their program goals and objectives. Any person who fails to make normal progress or fails to pursue the objectives of the status under which they entered the US is OUT OF STATUS.**

### 2.4.1: Full course of Study/Prescribed course of study

F and J students must be enrolled full time in the Fall and Spring semesters on the first day of classes and/or by the close of registration for the given term. If Summer semester is your first or last semester F and J students must also maintain the full time enrollment requirements for those terms. **For Undergraduates the requirement is 12 semester credit hours and for Graduate students they must be in 9 semester credit hours in order to be considered full time. For IEP and Exchange program students please verify with ISSS the requirements of your programs.** ALL students must meet full time enrollment during the specified terms. Students not appropriately enrolled during the specified terms will be considered to be out of status and must apply for reinstatement. For F and J students who wish to REQUEST IN ADVANCE AUTHORIZATION TO TAKE A REDUCED COURSE LOAD under US DHS regulations you should check with ISSS for the specific regulations applicable to your program and level. For Graduate Students ONLY who have completed their PLAN of STUDY on record at the Graduate School you are eligible for Full Course of Study Certification for less than 9 hours of credit. This certification must be in writing and submitted to ISSS no later than 2 weeks prior to the start of classes Fall and Spring terms and the 1<sup>st</sup> day of classes Summer term. USCIS requires students to be registered in SEVIS and we must have these forms in order to get this accomplished in time to meet the Federal deadline.

### 2.4.2: Prescribed Program or Activity

J research scholars, professors and short term visitors must be full time at all times in their program or activity as defined at the time of the issuance of their DS-2019. J research scholars, short term scholars and professors may study, enroll in degree based activities, etc. only incidental to their programs and activities which must continue to be full time. Changes in the program or activity must be **approved in advance** in writing by ISSS.

### 2.4.3: Distance Education Courses

F-1 and J-1 students may NOT enroll in more than one 3 credit hour distance education course per semester and have it count as part of the full course of study. For example, if you are required as an undergraduate to have 12 hours then you may take 9 credit hours of regular course work and 3 credit hours of distance course work. However, if for example you take 12 hours of regular course work as an undergraduate then there is no limitation on distance courses take for credit above the full time enrollment that meets the physical presence test for on campus enrollment. The same is true for graduate students, IEP, and exchange students.

#### 2.4.4: Concurrent Enrollment

F-1 and J-1 students must enroll full time at the institution that issued their I-20 or DS-2019 however if students wish to take one or more courses at another local institution as transient students they may do so with ADVANCE written permission from the DSO/RO as long as they remain full time students at the home institution. The DSO/ARO may authorize concurrent enrollment in writing indicating how many hours will be taken at each institution as long as the total credit hours is equal to or greater than the full course of study requirement at the institution that issued the I-20 or DS-2019. Students must return to a full course of study in the next available term. Intent to remain at the home institution is a key test, otherwise students should consider transferring to the new institution and then transferring back to Auburn when all the desired coursework is completed.

#### 2.4.5: Next term intent to enroll

SEVIS requires that ISSS report within 30 days of the start of each term all students who are enrolled and the NEXT TERM start date for each student. Student who do not intend to enroll the next semester or term or who may graduate in any given term must notify ISSS in writing of such intent. Intent to take summer vacation is generally accepted however intent to enroll for Fall term at AU or another US institution after the official AU summer vacation is required for you to take a summer vacation.

## 2.5: Employment F and J

### 2.5.1: Eligibility for Employment (F-1 Status)

Employment rules vary depending on your specific status, history of employment, visa type, etc. The basic requirements that must be met are:

- You must be in valid status and enrolled for a full course of study (or have recently completed study for post-completion optional practical training).
- You must be authorized by DHS to attend Auburn University.
- You must have written permission from the Office of International Student & Scholar Services to be employed regardless of whether it is a benefit of your status.

If employment is authorized you must maintain eligibility or you will lose your right to continue employment, even if it was authorized in writing.

#### 2.5.1.1: On-Campus

F-1 Auburn University students may work on the AU campus without having to obtain permission from DHS. You may work on campus up to 20 hours per week during Fall and Spring semesters as long as the job does not interfere with your ability to continue as a full-time student. For student employment, you must go to 303 Mary Martin Hall to the Student Employment Office, to obtain an on-campus work permit that must be approved in writing by the ISSS. For graduate student assistantships and employment check with your department for specific employment procedures. You may work up to 40 hours per week on campus during the official summer semester if you are NOT enrolled and on breaks between semesters as long as you can demonstrate you intend to enroll full time in the next appropriate term. When you are a registered student you are limited to 20 hours per week on-campus employment. If summer is your first or last semester you are not allowed to work 40 hours a week on campus, as you must be registered as a full time student during these terms.

#### 2.5.1.2: Off-Campus

Students are not allowed to work off campus unless the DHS and the ISSS specifically authorize it in advance and in writing. Unauthorized employment of any form and for any reason is normally a serious offense for which students will NOT be reinstated to status. Off-campus work permission is RARELY APPROVED.

#### 2.5.1.3: Curricular Practical Training

Curricular Practical Training (CPT) is a work option available to F-1 students where the practical training employment is considered to be an integral part of the curriculum or academic program. This employment may be an internship, cooperative education job, a practicum, or any other work experience that is either required for your degree or for which academic credit is awarded. To be eligible for curricular practical training, you must have been in legal student status for 9 consecutive months, your internship must be an integral part of your degree program or requirement for a course and your job offer must be related to your major or field of study. The work activity must be in your area of study or specialization. The ISSS can authorize curricular practical training for you if it can be clearly documented that the proposed employment meets one of the three following conditions:

- The training employment is required or highly recommended for all degree candidates in the program. Included in this category is employment in a required internship or practicum. Graduate students in their first academic year of study may be eligible for curricular practical

- training if their degree program requires all students to engage in training before the 9 months have passed. Undergraduates are not eligible in their first 9 months of study.
- The training employment will result in the awarding of academic credit, at least preponderantly, if not solely, on the basis of the training experience. Included in this category is employment for a course specifically designed to award academic credit for an employment experience. Also included in this category is employment that will result in the award of at least one course credit for an independent study. In both of these cases you must be registered for the course during the period that you are working under curricular practical training authorization.
  - Students in dissertation status where the training opportunity is a necessary component of the student's research without which the dissertation cannot be completed may be authorized to undertake curricular practical training. A letter from the student's dissertation advisor explaining in detail the relationship between the proposed employment and the student's dissertation research must be provided.
  - CPT will NOT be authorized during the LAST semester of study at Auburn University prior to graduation unless it is required of all graduating students for the given degree.
  - CPT will NOT be authorized during the FIRST semester on campus unless the CPT is required participation for all students in the degree program.

#### **2.5.1.4: Optional Practical Training**

The U.S. USCIS (DHS) authorizes optional practical training. This authorization can take at least 90 days from the date the DHS receives your OPT application. The maximum amount of time granted to work in F-1 practical training status is 12 months (29 for S.T.E.M. students who will be working for an e-verify employer). You may use some or all of the available 12 months of practical training during your course of study or save the full twelve months to use after you graduate.

To be eligible to apply for optional practical training, you must have been in full time student status for at least one academic year be maintaining valid F-1 status at the time of the application, and intend to work in a position directly related to your major field of study to be eligible to apply for optional practical training. Only one period of practical training may be authorized for the duration of a person's F-1 student status per degree and subsequent higher degree level.

Authorization for optional practical training is granted by the USCIS. It is important that you apply for the authorization well in advance of the date you wish to commence employment. You may submit your application no earlier than 120 days before your anticipated start date.

#### **2.5.1.5: F-2 Spouses/Dependants**

F-2 visa holders are not allowed to study full time nor to be employed at any time while in F-2 status. F-2 dependent spouses must apply and be approved for a change of status to F-1 PRIOR to beginning their degree or full course of study program. There are restrictions for employment on all other categories of dependents (for example: H-4 may not work) therefore do not make assumptions about employment benefits. F-2 dependent status is based on the status of the F-1.

### **2.5.2: Categories of J Program Employment**

As with the F program employment, rules vary depending on your specific status, history of employment, visa type, etc. The basic requirements that must be met are:

- You must be in valid status and enrolled for a full course of study (or have recently completed study for post-completion optional practical training).
- You must be authorized by DHS to attend Auburn University.
- You must have written permission from the ISSS to be employed regardless of whether it is a benefit of your status.

If employment is authorized you must maintain eligibility or you will lose your right to continue employment, even if it was authorized in writing.

### **2.5.2.1: On-Campus - student**

A J-1 student is allowed to work on campus after obtaining permission from the ISSS in 228 Foy Hall. You are allowed to work up to 20 hours per week as long as the work does not interfere with your ability to continue as a full-time student. If your DS-2019 was issued by anyone other than Auburn University, you will need written permission from your program sponsor. Please come to the Office of International Student & Scholar Services for further information. Under no circumstances will you be allowed to work more than 20 hours per week while you are a registered student. During vacation breaks, like summer semester or holidays you may work up to 40 hours per week on campus if you are not registered. Students in their first and last semesters who are enrolled during the summer term may only work up to 20 hours per week.

### **2.5.2.2: Off-Campus - student**

You must have the permission of your program sponsor for any off-campus employment. If Auburn University issued your DS-2019, you must come to the ISSS to find out if you are eligible. Off-campus work permission is RARELY APPROVED by ISSS.

### **2.5.2.3: J-1 Academic Training - student**

J-1 student who has earned a degree or finished his/her program of study may request **written permission** from his/ her sponsor to engage in academic training. J-1 academic training may not exceed the length of time of program of study. If the university is your program sponsor, the ISSS may grant you J-1 academic training. You will need a letter from your faculty advisor recommending you for the academic training. Instructions for filing for J-1 academic training are available from the ISSS. If the university is not your sponsor, you will have to contact your program sponsor for instructions for filing for J-1 academic training.

### **2.5.2.4: J-2 Employment - dependent**

A J-2 visa holder must apply to the DHS for permission to accept employment of any type as long as such employment is NOT used to support the J-1. To do so a J-2 must use the USCIS form I-765 and complete the instructions, submit the form to ISSS for review.

### **2.5.2.5: Research Scholar - Professor Category - Employment**

J-1 research scholars or visiting professors are issued DS-2019 expressly to achieve the program objective as stated on the DS-2019 form. J-1 scholars are prohibited from engaging in any other form of employment other than that for which their DS-2019 was issued, whether on or off-campus. Once employed by a department you cannot change your essential activities within the university. A J-1 scholar who wishes to engage in a brief consultation or lecture at another university must first consult with the ISSS to obtain proper authorization. J-2 spouses and J-2 dependents old enough to work (such as high school students) should ask for the instructions and forms to request J-2 work authorization. Questions regarding scholar or scholar dependents employment should be directed to the ISSS office.

## **2.6: Absence Outside the United States for F-1 and J-1 Visa Holders**

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### **2.6.1: Travel Authorization and Vacation Semester**



No F or J student or scholar can take a vacation semester unless it is during the official Auburn University summer vacation or within the AU employment policies. For students you can take the summer vacation off if you were a full time student the previous (spring) semester and will be full time student during the (fall) semester that follows the summer semester. If summer semester is your first or last semester, you must be enrolled as a full-time student. You must always notify ISSS in writing of your intent to take a vacation period.

If you plan to travel outside the U.S.A. you should always consult with the Office of International Student & Scholar Services first. Always bring your passport, your I-20 (student copy), or your DS-2019 with you when making inquiries at the ISSS about traveling outside the U.S.A. You will be required to submit your request at least 30 days in advance of any travel. Additionally if your financial documents are older than six months of age you will be required to provide up to date copies of such documents. BOTH F AND J STATUS DOCUMENTS REQUIRE that there be current DSO/RO authorization signatures on your documents for reentry into the US.

Your passport and your visa must be valid beyond the date on which you plan to re-enter the U.S.A. If your visa has expired, and you plan to travel outside the U.S.A. or, if you have changed your visa status while in the U.S.A. you will need to obtain a new visa at an American Embassy or Consulate abroad or in your home country before you may re-enter the U.S.A. For F and J status holders it is not possible to revalidate your visa while you are in the U.S.A. You will need your valid passport, your I-94, and your I-20 or DS-2019 endorsed by the Auburn University designated school official or responsible officer. You must check with the consulate service for each country you will go to as all consulates have different rules for foreign nationals entering their country. If going to Canada or Mexico, you must contact the consulates of the appropriate countries to determine whether you need a visa to enter to Canada or Mexico. Please give the ISSS at least four weeks to review your documents before any trip abroad.

During vacation periods, it is especially important to apply for travel documents very early, since most other students are planning to travel also. You should allow enough time to renew your visa in the American Embassy or Consulate in your home country. Never leave your passport, I-20 or DS-2019/IAP-66 form, or I-94 (or any immigration-related documents) in your luggage! Always carry these items on your person when departing the U.S.A., and upon re-entry.

Immigration inspectors have been known to refuse entry into the country if you are not in possession of any one of these documents. Luggage can be lost, sometimes for days, sometimes forever, and you may be severely inconvenienced if you have to miss your plane because you are held up by immigration.

## 2.6.2: Absence of more than five months

If you will be outside the US for more than five months you will be required to have an initial attendance I-20 or a new DS-2019 to reinitiate your status. Do not attempt to enter the US after an absence of more than five months from the US.

International students in F or J status who intend to study abroad as part of the AU study abroad offerings must check with ISSS to ensure that your study abroad program is appropriately documented.

## 2.7: Other Issues Related to Your Immigration Status

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### 2.7.1: Social Security Cards

The U.S.A. Social Security Administration (<http://www.ssa.gov/>) will issue Social Security Cards only to US citizens and anyone who legally is eligible for employment within the U.S.A. and has a valid offer of employment. For specific information check the following: <http://www.ssa.gov/pubs/10107.html>. To apply for a Social Security number and card, you need to complete Form SS-5, which is available for download at <http://www.ssa.gov/online/ss-5.html>. Or you can obtain Form SS-5 by calling 1-800-772-1213 or visiting your local Social Security office. These services are free.

When you apply you must do so in person and you will also need to submit original evidence of your age, identity, and U.S.A. citizenship or lawful alien status as indicated below:

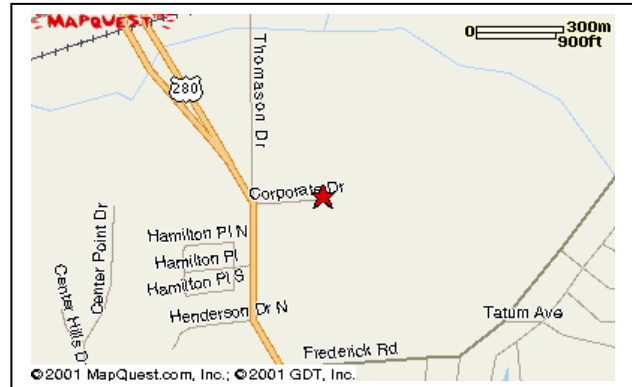
- **Age:** The SSA prefers to see your birth certificate. However, they can accept other documents, such as a hospital record of your birth made before you were age 5 or a religious record made before you were 3 months old. If you were born outside the U.S.A., we can accept your passport.
- **Identity:** The SSA must see a document in the name you want shown on the card. The identity document must be of recent issuance so that they can determine your continued existence. They prefer to see a document with a photograph. However, they can generally accept a non-photo identity document if it has enough information to identify you (e.g., your name as well as your age, height, weight, color of hair, date of birth, or parents' names). They will not accept a birth certificate or hospital birth record as evidence of identity. Some documents that they can accept as proof of identity are: Driver's license, Marriage or divorce record, Military records, Employer ID card, Adoption record, Life insurance policy, Passport, Health Insurance card (not a Medicare card), School ID card, etc.
- **U.S. Citizenship:** They can accept most documents that show you were born in the U.S.A. If you are a U.S.A. citizen born outside the U.S.A., show us a U.S.A. consular report of birth, a U.S.A. passport, a Certificate of Citizenship, or a Certificate of Naturalization. OR
- **Alien Status:** They need to see an unexpired document issued to you by the U.S.A. Immigration and Naturalization Service (DHS ), such as a visa plus I-20, IAP-66, Form I-551, I-94, I-688B, or I-766. As of April 2002, if you are not authorized to work in the U.S.A. you are ineligible for a SS card. They can only issue you a Social Security card if you are lawfully here AND have both a letter from your employing A. U. Department and the Office of International Education.
- **All applications from those holding alien status are subject to verification by the SSA with the DHS.** This procedure may result in delay of the issuance of SS #'s for applicants as they must verify your I-94 number in the DHS SAVE system.

All documents must be either originals or copies certified by the issuing agency. **They cannot accept photocopies of documents. They need original documents or copies certified by the custodian of the record. Notarized copies are also not acceptable.**

Take the application and evidence in person to your local Social Security office. You can find that office at: <http://www.ssa.gov/locator/>. Your documents will be returned to you. You should receive your card within two weeks of the date they have all the information they need to process your request. If you have not received your card within this time frame, contact the Social Security office where you filed the application and they will investigate to see why it is being delayed.

Auburn Area SS Office can be found at:

- 1800 CORPORATE DR
- OPELIKA , AL 36801
- (800) 772-1213
- (334) 745-7052
- TTY: (334) 745-2498
- MONDAY – FRIDAY 8:30AM-3:30PM



## 2.7.2: Individual Taxpayer Identification Number

You need a Taxpayer Identification Number (TIN) if you:

1. The ITIN is only available to individuals who cannot get a Social Security Number (SSN).
2. You do not have a SSN and will need to file an Income tax return and have no earnings
3. Have income that is reported to the Internal Revenue Service (IRS); or
4. You are claimed as a dependent on someone's Federal income tax return.

The IRS uses the SSN as the TIN if you have been assigned one. If you have any questions about use of the Tax Identification Numbers, contact the nearest IRS office or go to the following web site: <http://www.irs.gov/> or <http://www.irs.gov/individuals/article/0,,id=96287,00.html>

### 2.7.2.1: What is ITIN?

An ITIN, or individual Taxpayer Identification Number, is a tax processing number that became available on July 1, 1996, for certain nonresident and resident aliens, their spouse, and dependents. It is a 9-digit number, beginning with the number "9", formatted like an SSN (NNN-NN-NNN). The temporary IRS Number previously assigned is no longer valid.

### 2.7.2.2: What is the Purpose of an ITIN?

ITINs are only used for federal income tax purposes. The issuance of an ITIN does not:

- entitle the recipient to Social Security benefits or the Earned Income Tax Credit (EITC);
- create an inference regarding the individual's immigration status;
- give the individual the right to work in the U.S.A.

When completing the tax return (1040, 1040A, 1040EZ, 1040NR, 1040NR EZ), the individual will enter their ITIN in the space for the SSN.

### 2.7.2.3: How Do I Know if I need an ITIN?

If you must file a U.S. tax return or you are listed on a tax return as a spouse or a dependent and you do not have, and cannot obtain, a valid Social Security Number, you must apply for an ITIN

**Please be aware that you are required by US law to file a US tax return as are all US citizens. This is done every year by April 15 of each year.**

### 2.7.3: Alabama Driver's License

For specific information on Driver's licenses in Alabama, including the Alabama Driver's Manual please visit: <http://www.dps.state.al.us/DriverLicense/manuals/DriverManual.pdf>.

You should be aware that the Alabama Department of Public Safety requires that anyone getting an Alabama Driver's License to provide a U.S.A. Social Security Number (section 30-3-194, Code of Alabama, 1975).

International Students and Scholars coming to Alabama should bring current drivers licenses with them if they intend to drive in Alabama upon arrival. Alabama recognizes the International Drivers License and allows you to drive in the State for up to one year on your home country drivers license. However when purchasing or renting a car you will be required to carry liability insurance and if you do not have a US drivers license you will find that the insurance is very expensive. Again, if you plan on driving in the U.S. be aware that **you must carry automobile liability and accident insurance coverage**. For specific information check with any insurance company PRIOR to purchasing any vehicle!

To get an Alabama drivers license students who are F-1 and J-1's who are eligible for employment on campus can get a letter from the ISSS that they can take to the SS Office to apply for a SS number. Once you have the Social Security Number you can then request that ISSS provide you with a Drivers license letter after which you can go apply for a Driver's license. **For dependents such as H-4, F-2 and certain J-2's and for F-1 or J-1's who are not authorized to work either on or off-campus they must follow specific procedures to secure a drivers license in the State of Alabama. As of August, 2003, dependents must go to the Social Security Office and request a letter indicating that they are NOT eligible for a SSN. The F-1/J-1/F-2/J-2/H-4 can then take the letter to the Drivers License office and apply for a driver's license. The office is located at the USA Outlet Stores Mall near Cracker Barrell at the intersection of I-85 N and US 280/US 431.**

### 2.7.4: Beware of Becoming a Public Charge

International students should be reminded to not accept any public benefits from federal, state, county, or local public service agencies, without first checking on how it will impact their current non-immigrant and possible future intent to apply for other immigration benefits in the United States of America. The following is quoted from the USCIS statements on 5/29/1999 which are posted on their web site.

#### 2.7.4.1: What Does it Mean to be a "Public Charge" Under the Immigration Laws?

"An alien who is likely at any time to become a "public charge" is ineligible for admission to the U.S.A. and is ineligible to adjust status to become a lawful permanent resident. An alien who has become a public charge can also be deported from the U.S.A., although this very rarely happens. These provisions have been part of U.S.A. immigration law for over 100 years, and the recent

immigration reform and welfare reform laws did not substantively change them. Both USCIS (in the U.S.A.) and the Department of State (State) (overseas) make public charge determinations.”

#### **2.7.4.2: How Does DHS Decide Whether Someone is Deportable as a Public Charge?**

“In deciding whether an alien is likely to become a public charge, the law requires that the USCIS (in the U.S.A.) or D.O.S. (overseas) take certain factors into account, including the alien’s age, health, family status, assets, resources, financial status, education and skills. The government official examines all of these factors, looking at the “totality of the circumstances” concerning the alien, to make a forward-looking decision. No single factor — other than the lack of an Affidavit of Support, if required — will be used as the sole basis for finding that someone is likely to become a public charge, that is, likely to become primarily dependent on the government for subsistence. As described below, non-cash benefits and certain special-purpose cash benefits will not be taken into account under the totality of circumstances test. Deportations on public charge grounds are very rare because the standards are very strict.”

You should recall that when applying to enter the United States of America using the I-20 or DS-2019 document, you were required to have a sponsor or present proof of sufficient financial resources, in essence, you were presenting official documentation indicating that you would not become a “public charge” while you are in the U.S.A. This does not mean you cannot accept certain forms of public assistance and occasionally, public service agencies including hospitals, clinics, or social services will encourage international students or their dependents to apply for public benefits, such as Medicaid, food stamps, federally subsidized housing, or special charitable benefits. You should realize, however, that because the personnel at the agencies may be unaware of the rules governing non-immigrant status, accepting such assistance could jeopardize your non-immigrant status and future plans.

In many states, the state social service agencies are sharing their databases with the federal agencies including the Department Of Homeland Security. Any non-immigrant listed as having received public benefits may be entered into an DHS computer database. It is then possible that such individuals will be denied new visas at consulates abroad, and therefore may also be denied the opportunity to return to the U.S.A., for having accepted public benefits. In some cases students may have to pay back all of the money provided by the state before being allowed to obtain a new visa to return to the U.S.A. Again, remember when you get your visa, originally enter the United States of America, or renew your I-20 for travel or any other purpose, you will need to show proof of sufficient funds for your program of study. Furthermore, if you have a spouse and/or children with you in the U.S.A., you will also be required to show sufficient funds for each of your family members. When seeking other benefits while in the U.S.A. related to financial or other support, do not forget that these documents are a permanent part of your official DOS and DHS records.

Cooperation between state social service agencies and the US DHS as well as with the Department of State make it possible for an POE inspector or U.S. Consular officer to now become aware of an individual who has accepted public benefits. Remember the acceptance of public benefits can be interpreted as a declaration that the individual is unable to meet his or her financial obligations (a requirement of obtaining and maintaining status) and thereby rendering him or herself and all accompanying dependents as ineligible for F-1 or J-1 or F-2/J-2 status.

For more information on how you might be affected by any public services you accept please check with the DHS or an attorney:

[http://uscis.gov/graphics/publicaffairs/factsheets/public\\_cfs.pdf](http://uscis.gov/graphics/publicaffairs/factsheets/public_cfs.pdf)

## **2.8: SUMMARY Executive, Legislative, & Regulatory Updates**

As you should be aware by now effective January 30, 2003, there were new requirements you should already be aware of. In order to host you as students and exchange visitors Auburn University and all educational institutions, must participate by entering information about you and your family members into the SEVIS system. Additionally all participating institutions now have certain certification requirements that will be reviewed every two years through on site administrative inspections by DHS officers or their representatives. Auburn was last inspected in Spring of 2004 and will be inspected every two years thereafter

You should also be aware by now that after August 1, 2003, entry into the United States was only possible using the SEVIS Form I-20 or DS-2019 and by this date all schools in the US had to enter all students, scholars and their dependents in the SEVIS system. What is the information entered in the system? It is the information that you find on these documents however under the new regulations we must now report the following information within a 10 to 30 day period of time following the activity. The new information that must be entered into the SEVIS tracking system includes:

- *Confirmation that you have arrived on campus to conduct your program activities*
- *Report of non-arrival/failure to begin your F or J program*
- *Enrollment each semester along with date of next term you plan on enrolling*
- *Current work and home addresses and phone numbers and any subsequent change of address (you must notify the AU Registrar and the USCIS within 10 days of every change of address)*
- *City and country of birth and country of legal permanent residence of accompanying family members (every dependent now will have their own documents)*
- *Criminal conviction during F or J program*
- *Disciplinary action during F or J program*
- *Engaging in unauthorized employment*
- *Failure to pursue program activities*
- *Failure to submit change of address*
- *Failure to maintain health insurance*
- *Failure to maintain a full course of study*
- *Suspension or dismissal from school*
- *Graduation and or completion of studies (whichever occurs first)*
- *Violation of F or J program rules and regulations*
- *Any other information that the DHS may request within regulation*

**NAME/Passport** – Since name information for the new SEVIS I-20s/DS-2019s and SEVIS reporting will be drawn from the Registrar's database, your name as listed in the Registrar's database must match the name as indicated in your passport and current I-20 or DS-2019. In order for an accurate SEVIS I-20/DS-2019 to be made, you should check to make sure that your name as indicated in the Registrar's database matches the name as written in your passport – exact spelling. The entire immigration process requires that all documents are based on your and your dependents passports. Also all passports must be valid at all times for you to remain in status, do not let your passport expire. Always contact your consulate in the US so you can extend or renew your passport well before its expiration date. If you get a new passport or extension bring a copy of that to ISSS so we can update the SEVIS system.

**Family members – dependents** - Each family member in F-2 or J-2 status will now need his/her own Form I-20 or DS-2019. Given that in the past dependents often required no documents from AU, letters or different levels of document there may be requests by ISSS sent out for you and your dependents to appear in the ISSS so we can review all the documents and update your records. If you have dependents who arrived in the US and who do not have SEVIS F-2 or J-2 documents please make sure they CHECK-IN IN PERSON, email [intledu@auburn.edu](mailto:intledu@auburn.edu) so we can schedule an appointment for you and your family to meet with our staff and complete the SEVIS registration process. If any dependents are not registered with SEVIS the primary visa holder as well as all dependents will be in violation of the DHS USCIS/USICE regulations which will require you to depart the US.

**Travel** - It is more important than ever to check with ISSS before traveling to have your documents checked or to have you document signed and reviewed. Also following travel and getting your I-94 (that white postcard looking document) as well as other documents stamped with an entry date you MUST provide ISSS with copies of these entry documents so we can update and or verify the data in the SEVIS system. Yes, in the near future it is expected that all the ports of entry will automatically report your departures and arrivals to the SEVIS system and to your hosting schools. Right now this functionality is not active and we do want to verify the data when we see it.

**Address Change Notification Requirement** - Under the SEVIS regulations, you and your dependents are required to report your current contact information (U.S. office and residential addresses) to the AU registrar (BANNER) or the office that issued your document within 10 days, and inform them of any subsequent changes of address within 10 days. You are required to maintain a physical local address where you are living (NO Post Office Boxes or Departmental addresses) as well as permanent FOREIGN address (NO PERMANENT US ADDRESSES unless you have declared immigrant intent).

**Full Course Of Study Requirement And Reporting Requirements For Exceptions** - Schools are required to report to SEVIS when a student drops below a full course of study (9 semester hours for most grads, unless a higher number of units is required by the department, and 12 semester credit hours for undergrads, Intensive English Program and Exchanges have special program specific requirements) or fails to enroll. Under SEVIS you still are able to have the summer vacation period (for AU the term between Spring and Fall semesters) however you must be registered for a full course of study throughout the academic year in order to maintain your valid student visa status. Full course of study and Drop Below full course of study procedures have been posted to the AU ISSS web site. In the past this enrollment was not enforced however now by the end of the first week of classes ISSS will begin the process of terminating any students and scholars who are not appropriately certified in writing. Once terminated students will have to depart the US immediately or apply for reinstatement (which requires considerable detailed explanation from the student/scholar to the USCIS/USICE officers). Again once the SEVIS record is terminated ISSS has no way to reinstate the record only USCIS may do so following the reinstatement process.

**Transfer To Another School** - Students who have been issued SEVIS I-20s will be expected to notify ISSS of their plans to transfer to another U.S. school at least 30 days in advance of the transfer so that ISSS can release its visa sponsorship to the new school. The new school cannot create an I-20 or DS-2019 for the student/scholar until the AU ISSS releases the electronic record SEVIS. Once the release date has past the record is owned by the receiving institution and students must report for enrollment or risk losing their status. Due to the new electronic processes please note that all new (initial attendance) students coming to AU must attend at least one full semester at AU prior to any transfer.

**F Program Practical Training** – A major change is that students can no longer apply for Optional Practical training after they have already graduated. However a new benefit is that students who have already used 12 months of practical training based on the completion of one degree level are eligible

for an additional 12 months if they move to a **higher degree** level (i.e. Bachelors to Masters, etc.. but NOT from PhD to Masters). Students who apply for Optional Practical Training based on completion of one degree will have their OPT automatically CANCELLED if they begin another degree program.

**Dependents - F-2 and J-2 full course of study** – F-2's may NOT enter a degree program prior to applying for a change of status. F-2's may study for "avocational" or non-degree purposes and may only do so part time however they should have an approval on file with ISSS to clearly authorize the nature of the study. At AU all F-2's who are so enrolled must be in a non-degree or audit status. F-2's may begin to study full time in a degree program only **AFTER** receiving an approved change of status (which can take up to six or more months for approval). The Department of State has also notified schools of its intent to enforce a similar policy for J-2's. As of 8/02/2004 this rule has not yet been implemented however given the intent of the DOS ISSS highly recommends that J-2's working on degree programs to immediately begin a change of status to F-1 or J-1 as appropriate. Please note that in the case of F-1 and J-1 programs if you are departing the country for more than two weeks or during the summer vacation months you must check with ISSS if your dependents intend to remain in the US. All dependents are subject to the continued presence of the F-1 or J-1 in the US.

**J regulations** – Everyone holding J status should be aware that the DOS is in the process of preparing final regulation changes. These changes are not expected to significantly change the J program however it will change the process and procedures to make the J program compliant with the SEVIS regulations. Therefore many of the procedures and processes that function under the F program will become similar. For instance J's (primary and dependents) will each have a DS-2019 for visa, entry and travel purposes. All J dependents must check in as is now required for F's. J's may not enter the US more than 30 days prior to the beginning of their program and may not apply for extensions or benefits after the completion of their program. Additional details will be posted on the ISSS web site.

**Extensions** – NO extensions are possible if the I-20 or DS-2019 has expired – i.e. after the end date on the I-20 or DS-2019. You will be required to depart the US within 60 days or apply for change of status or other US immigration options.

**5 month rule** – The USCIS/USICE now has implemented a five month rule for measuring the validity of your status. If you depart the US for five months or more you will need a new I-20/DS-2019. If you transfer to another institution you will need to complete that transfer within 5 months. If you end your program you must leave the US within 60 days or start another program within the five month period (i.e. have an I-20/DS-2019 issued prior to the 60/30 days being up).

The US government has been regularly updating and modifying its regulations regarding immigration. Every effort will be made to provide you with updates on such changes as they occur however no guarantee can be made that ISSS will be able to ensure that you are aware of these changes. It is your responsibility to ensure that YOU are following the regulations and rules.

Students and Scholars should be aware that in light of the increased scrutiny being placed upon offices such as ISSS, we continually review all of our policies and procedures to ensure we and our students and scholars are in full compliance with current regulations and that we are positioned for full compliance with the myriad of complex regulations that are forthcoming. **Our ability to enroll and/or employ internationals at the University is a privilege that has been extended to us by the United States government and we must not jeopardize it.**

ISSS has been making changes in our office procedures to take into account many of the proposed rule changes. What is the most significant change to affect students and scholars: **ALL AUTHORIZATIONS FOR ANY MODIFICATIONS IN YOUR PROGRAM MUST BE DONE WELL IN ADVANCE, NO AFTER THE FACT AUTHORIZATIONS.** Additionally you must check in with ISSS, read your email notifications and check the ISSS



web site for advisory information regularly. IT IS YOUR RESPONSIBILITY TO STAY IN STATUS, OIP will help you do so but only with YOUR HELP.

In closing this chapter we want you to know that ISSS appreciates all feedback on issues, ideas and suggestions that you may wish to offer us to enhance services that may exist on the campus. The mechanisms that we recommend you include in your efforts include your elected student representatives as well as your faculty and staff:

- Student Government Association (SGA) – President
- Graduate Student Council (GSC) – President
- International Student Organization (ISO) – President
- International Student Clubs and their President
- Office of International Student Life and the Office of International Education AND MOST IMPORTANTLY
- Your individual academic units, departments and colleges

**US DHS SEVIS FEE** - The Department of Homeland Security (DHS) provides for the collection of a congressionally mandated fee to be paid by certain aliens who are seeking status as nonimmigrant students (visa categories F-1, F-3, M-1, or M-3) or as nonimmigrant exchange visitors (visa category J-1). The purpose of this fee (\$100) is to cover the costs for the continued operation of the Student and Exchange Visitor Program (SEVP), including the administration and maintenance of SEVIS, compliance activities, and the establishment of SEVIS Liaison Officers. More information at: <https://www.fmjfee.com/index.jhtml> OR <http://www.ice.gov/graphics/news/factsheets/SEVISFactSheet.htm>

## 2.9: Auburn University Office of International Student & Scholar Services – Non-immigrant Responsibility Pledge

**SEE NEXT PAGE FOR DOCUMENT.**

## **Auburn University Office of International Education Non-immigrant Responsibility Pledge (8/2/2003)**

Auburn University is truly a global institution with students, scholars and visitors who come from around the world to participate in the intellectual life of the University. Just as these individuals played a major role in helping to make Auburn the place it is today, we fully expect that your academic achievements will contribute to our continued development as a center of learning. All members of the AU academic community are bound to uphold the highest standards of scholarship and responsibility. As an international student, scholar or visitor, you have an additional obligation to comply with the immigration laws and regulations of the United States. It is illegal to violate U.S. federal immigration laws and regulations for any reason whatsoever. **Being a non-immigrant, you are responsible for learning, understanding, and complying with the U.S. laws and regulations that apply to you. If you fail to do so, you could be deported from the United States and barred from returning for an extended period of time, thereby jeopardizing your academic career.**

AU wants you to be able to successfully complete your studies at the University. Your failure to be aware of and comply with these requirements could jeopardize your not only your academic plans but all future plans. It is extremely important that you read and fully understand this responsibility which includes:

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### **Requirement to Report Address Changes to the Office of International Programs**

U.S. federal regulations require you to report any address change **within 10 days** of the address change to the US USCIS. Students and scholars in F and J status must also do so **directly to the Office of International Student & Scholar Services**. This includes address changes of any of your dependents as well. If you are subject to the U.S. Government's Special Registration Procedures, you must also follow all DHS USCIS regulations as well.

### **For STUDENTS (F/J) - Requirement to Obtain Prior Authorization from ISSS to Drop Below a Full Course of Study**

U.S. federal regulations require you to pursue a full course of study. You are allowed to deviate from this full course of study only with PRIOR written authorization by an ISSS international student advisor, and only under very limited circumstances. **AFTER** obtaining written approval from ISSS you must also get approval from your dean and or department as appropriate. Students who begin a semester below the required hours will be reported automatically as being out of status and must apply for reinstatement.

### **Requirement to Report Departure Date and Reason to ISSS**

Sometimes, and for a variety of reasons, students leave the University early or unexpectedly. Some of these reasons include early departures, transfers, graduation, leave of absence, suspension, or expulsion. U.S. federal regulations require you to inform your ISSS international office advisor if you plan to leave the University before the date on your immigration document (I-20 or DS-2019), and the reason for doing so.

### **Requirement to Abide by Employment Regulations**

F-1 and J-1 students may work **NO MORE than 20 hours per week on-campus** while school is in session [8CFR214.2(f)(9)]. These 20 hours include the work you do for your assistantship if you have one. You are not permitted to work off-campus without receiving **PRIOR** written authorization from the U.S. Federal Government and/or your ISSS international office advisor, depending upon your visa status type. Work under other status types is limited to that work related to the immigration petition submitted. There are severe limitations on work authorizations as well as options depending on your status. All nonimmigrants should seek written authorization for employment prior to the start of any employment.

There are numerous other requirements associated with your immigration status in addition to those listed above which can affect your status and that of any dependents. It is also your responsibility to ensure that you are in compliance at all times with AU policies including paying all your bills as well ensuring that you and your dependents are properly enrolled in the AU health insurance program for F and J status holders.

**I agree** to read all correspondence and email received from ISSS. I agree to read the International Student and Scholar Handbook that is online at <http://www.auburn.edu/academic/international/oie/iss/prospective/handbook2005-06/chpt2.pdf>.

- **I also agree** that it is MY responsibility to make sure that I am aware of the expiration dates on MY immigration documents and that I will have secured all appropriate actions related to extensions, etc. WELL BEFORE the expiration dates or making changes to my program.
- **I also understand** that ISSS is the only AU office authorized by AU and the federal government to provide you with advising regarding U.S. immigration regulations and that ISSS is responsible for regularly reporting the conditions of my status to the USCIS SEVIS system.
- **I am aware that ISSS requires a minimum of 30 days notice for ANY requests** for action such as re-issuance of I-20/DS-2019, travel authorization signatures, etc.
- **I have read and understand this information, and I knowingly accept full responsibility for maintaining my status as an international student or scholar during the duration of my stay at Auburn University.**

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Non-immigrant Signature

Print Name

SID/SEVIS ID Date