

Immigration Basics

What is USCIS?

USCIS stands for **U.S. Citizenship and Immigration Services**. It is the agency of the U.S. government principally responsible in matters dealing with aliens in the United States. This includes giving it jurisdiction over many aspects of F-1 status. Prior to March of 2003, the USCIS was called the Immigration and Naturalization Service (INS).



U.S. Citizenship and Immigration Services

For a brief period of time, it was known as the Bureau of Citizenship and Immigration Services (BCIS). It is also sometimes just referred to as the CIS. For purposes of this web site, we use the current accepted name of U.S. Citizenship and Immigration Services or USCIS.

What is SEVIS?

SEVIS stands for **Student and Exchange Visitors Information System**. SEVIS governs the retention and reporting of information regarding F, J, and M nonimmigrants.



STUDENT EXCHANGE VISITOR INFORMATION SYSTEM

What is a DSO?

DSO stands for **Designated School Official**.

A DSO is responsible for reporting and updating information to the USCIS about the F-1 student's situation. The DSO also makes important determinations regarding the F-1 student, such as whether the student should have a reduced course load or should take part in practical training.

At HPU, the DSOs are:

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Maintaining F-1 Status

What is an F-1 visa?

An F-1 visa is a non-immigrant visa issued by a United States Consulate to an alien student who is pursuing a full-time course of study in a U.S. academic institution.

How do I maintain my valid F-1 status?

You must be enrolled in an academic program as full time study. Enrollment in an elementary school, academic high school, university or college, conservatory, seminary, or language training program will qualify as enrollment in an academic program. Any new F-1 student must report to the school listed on Form I-20 (Certificate of Eligibility) or SEVIS Form I-20 within 30 days of the registration date. As for current F-1 students, they must report any reportable action through SEVIS (such as transfer, extension of status, practical training, or employment authorization).

What does "full course of study" really mean for an F-1 student?

At different program levels, the definition of "full course of study" may vary accordingly:

- At the postgraduate or postdoctoral study level (such as master's, doctoral, or post-doctoral programs), the Designated School Official (DSO) of each academic institution has authority to certify which is a full course of study;
- At an undergraduate study level, "full course of study" usually consists of at least twelve semester or quarter hours per academic semester;
- At a postsecondary level conferring associate or other degrees in language, liberal arts, fine arts, or other non-vocational program, "full course of study" also consists of at least twelve clock hours of instruction a week;
- For a study in any other language, liberal arts, fine arts, or other non-vocational training program, "full course of study" consists of at least eighteen clock hours of attendance per week if classroom instruction dominates the course, or consists of at least twenty-two clock hours a week if the dominant part of the course of study consists of laboratory work;
- For a study in a primary school or academic high school, "full course of study" consists of class attendance for not less than the minimum number of hours a week prescribed by the school for normal progress towards graduation.

I am an F-1 student. May I be enrolled in part-time study?

No. You must be enrolled in a full course load in normal academic semesters, except due to special circumstances, such as academic difficulties, illness, and/or medical conditions. It should also be noted that during the summer semesters, you are allowed to be enrolled in a part-time study or not enrolled at all, unless you are enrolling in a summer semester and it is your first semester of enrollment at HPU. In that case, you must enroll full time.

I am an F-1 student and I would like to drop my enrollment to less than full time so that I can observe a religious holiday. Is that allowed?

No. Observation of a religious holiday is not a reason for reduced course load, according to SEVIS regulations.

I just moved to another place. Must I inform USCIS of my new address?

Yes. You must notify the USCIS by providing a notice of a change of address (Form AR-11) within 10 days to the Designated School Official (DSO).

I have two addresses, one is a mailing address and the other is the actual physical address where I live. Which one I must provide to DSO?

You must provide both addresses to the DSO.



I suffer from severe diabetes. May I take off for some time?

If the severity of the condition warrants the time off, the DSO may authorize you to refrain from taking any courses for a period not to exceed 12 months in aggregate.

I suffer from a long-term chronic illness, and may not be enrolled for studies for more than one year. What can I do if I wish to stay in the U.S. for medical treatment?

You have to change your F-1 status to another appropriate non-immigration status, like B-2.

If an alien student is out of status, how can he or she reinstate his or her status?

If a foreign student is in the United States and has been out of F-1 status for no more than 5 months, he/she may apply for reinstatement of F-1 status by submitting the following documents:

1. Form I-539, Application to Extend/Change Nonimmigrant Status
2. A properly completed SEVIS Form I-20 indicating the DSO's recommendation for reinstatement
3. Form I-94 (for the student and each family member)
4. Supporting statement
5. Filing fee

Would the USCIS grant the request for reinstatement?

The immigration officers may consider granting the request if the student:

1. Is in the United States;
2. Has not been out of status for more than 5 months at the time of filing the request for reinstatement (or demonstrates that the failure to file within the 5 month period was the result of exceptional circumstances and that the student filed the request for reinstatement as promptly as possible under these exceptional circumstances);
3. Does not have a record of repeated or willful violations of the immigration regulations;
4. Is currently pursuing, or intending to pursue, a full course of study in the immediate future at the school which issued the Form I-20;
5. Has not engaged in unauthorized employment;
6. Is not deportable on any ground other than being out of status; and
7. Establishes to the satisfaction of the USCIS, by a detailed showing, either that:
 - a. The violation of status resulted from circumstances beyond the student's control. Such circumstances might include serious injury or illness, closure of the institution, a natural disaster, or inadvertence, oversight, or neglect on the part of the DSO, but do not include instances where a pattern of repeated violations or where a willful failure on the part of the student resulted in the need for reinstatement; or
 - b. The violation relates to a reduction in the student's course load that would have been within a DSO's power to authorize, and that failure to approve reinstatement would result in extreme hardship to the student. [\[8 C.F.R. §214.2\(f\)\(16\)\]](#)

How long can an alien student study in the U.S. under F-1 status?

In contrast to most other non-immigrants who receive a specific period of time to remain in the U.S., an alien student who obtains F-1 status is allowed to remain in the U.S. for the duration of status. Duration of status signifies that the alien is considered to be in valid status while enrolled in his/her academic program, plus any periods of authorized practical training and the 60 days grace period, which is afforded to an F-1 holder to provide an opportunity to depart from the U.S.

Traveling Outside the U.S.

I am in F-1 status. May I travel outside the U.S.?

Yes, you may travel outside the U.S. when you are in F-1 status. However, in order to return to the U.S., you should provide the following documents:

1. A valid passport
2. A valid F-1 entry visa stamped in the passport
3. A current SEVIS Form I-20 signed by your appropriate school official
4. A new SEVIS Form I-20 if there have been any substantive changes in your course of study or place of study
5. Proof of financial support



Working in the U.S.

I am in F-1 status. Am I allowed to work on campus?

Yes, you are allowed to work on campus, but the on-campus employment cannot displace U.S. residents. Also, you are limited to 20 hours of work per week while school is in session, but can work up to 40 hours per week during those periods when school is not in session or during the annual break. You should report your work to a DSO and receive a certification letter to present to the Social Security Administration in order to be able to receive a Social Security number.

Will employment by every business physically located on campus be regarded as on-campus employment?

On-campus employment must either be performed on the school's premises, or at an off-campus location that is educationally affiliated with the school. Not every business physically located on campus will be qualified. Working for on-campus commercial firms providing services for students on campus can be regarded as on-campus employment. Such examples are the school bookstore or cafeteria.

I am a new F-1 student. Can I work on campus prior to the start of the school year?

On-campus employment pursuant to the terms of a scholarship, fellowship, or assistantship is deemed to be part of the academic program of a student otherwise taking a full course of study. Thus a student may work as a Resident Assistant or Teacher's Assistant well before the start of the school year, as long as the DSO certifies the date on which this on-campus employment begins as the start date noted on the SEVIS I-20 Form. By contrast, other kinds of non-academic on-campus employment, such as working for a bookstore, will be treated in a different way. In this scenario, a new F-1 student may not begin on-campus employment more than 30 days prior to the actual start of classes.



What is Curricular Practical Training (CPT)?

Curricular Practical Training (CPT) is an alternative to work/study, internship, cooperative education, and any other type of required internship or practicum that is offered by sponsoring employers through cooperative agreements with the school. A CPT allows an F-1 student to work for an employer on a full time or part time basis. A CPT does not need an approval from the USCIS and the school that the F-1 student attends may approve a CPT.

What is Optional Practical Training (OPT)?

The OPT is an authorization of temporary employment for F-1 students. The evidence of OPT is usually the Employment Authorization Document (EAD).

Who is eligible for practical training?

An F-1 student who has been lawfully enrolled on a full-time basis at an approved college, university, conservatory, or seminary for at least one academic year is eligible to apply to participate in a practical training program.

When may I apply for optional practical training?

You may apply for employment authorization before the end of the first academic year and up to 90 days prior to the completion of studies.

I have completed a one-year full-time CPT. May I apply for OPT after I complete my studies?

No. F-1 students who have received one year or more of full-time curricular practical training are ineligible for post-completion academic training.

I am about to finish my degree and would like to work for a while after my graduation. How do I get an employment authorization to work?

To work after the completion of the full-time course work, the student must apply for optional practical training (OPT).

I am in my practical training period now. May my employer lay me off?

Yes, if the employment is employment at will. Employment at will is the nature of employment in most cases.

I am in practical training period now. If my employer lays me off, may I use my OPT to seek another job?

Yes, you can seek another job. In the OPT period, you may work for any employer in the U.S.. However, your job must be directly related to your major. Moreover, you have to report your changes to the DSO.

I am in F-1 status and I am not using my practical training. May I directly apply for an H-1B status without an OPT?

Yes, an OPT is not the prerequisite for an H-1B. If you satisfy the requirements for H-1B, you may receive an H-1B status.

I am in F-1 status and studying in an English language training program. Am I eligible for practical training?

No, you are ineligible for practical training.

I am in my practical training period. May I accept employment that is NOT related to my major area of study?

No. Your employment should be related to your academic studies.

When must I complete my practical training?

You must complete all of your practical training within a 14-month period following the completion of your study for the first OPT.

Extension of F-1 Status

Do I need to apply for an extension of status if I need more time to complete my program for some reason?

"Duration of status" is determined by the completion date noted on your SEVIS Form I-20. If the completion date will be reached while you still need to take extra semesters to complete your program, you need to apply for an extension to avoid being out of status.

When and how shall I file for an extension if I fail to finish my academic program by the completion date noted on my I-20 Form?

You may submit an application for extension to the DSO up to 30 days prior to the completion date. It is important to file the application in a timely manner; otherwise the DSO may not grant the extension if you file application after the completion date.

What are the acceptable reasons for application for extend my F-1?

There are various circumstances that will be taken into account if there is a delay in the student's submission of an extension of status application. These compelling academic or medical reasons include: a change of major/research topic, unexpected research problems, or documented illnesses. However, delays caused by a student being placed on academic probation or being suspended from the institution are not acceptable reasons for program extensions.

Grace Periods

If I graduate from my current school as an F-1 student, do I have a grace period to legally stay in the U.S.?

Yes, you still have a grace period of 60 days to legally stay in the U.S..

I was authorized by our school foreign student advisor to withdraw from classes. Do I have a grace period to stay in the U.S.?

Yes, you will be allowed a 15-day period for departure from the United States.

I intend to quit school without authorization from the DSO and plan to go back to my home country. Do I have a grace period?

No. If the DSO did not authorize your withdrawal, you will be considered out of status without the protection of a grace period and must leave the country on the day of withdrawal.

If my OPT expired, do I have a grace period to legally stay in the U.S.?

Yes, you have 60 days to legally stay in the U.S. and prepare the necessary items to depart from the U.S. During this time, the student may also apply for a transfer to another institution, a change of status, or an adjustment of status.

I am now in the middle of the 60-day grace period and I get a job offer from an American employer. Can I apply for OPT?

Yes, you may apply for Optional Practical Training during the 60-day grace period after the completion of your studies. However, it is important that the application for OPT be submitted before the end of the grace period.

Transferring to Another School

What are the steps that need to be taken if an F-1 student wants to transfer from a SEVIS School to another SEVIS school?

To transfer from one SEVIS school to another, the student must first notify his or her current school of the intent to transfer and must indicate the school to which he or she intends to transfer. Upon notification by the student, the current school will update the student's record in SEVIS as a "transfer out" and indicate the school to which the student intends to transfer, and provide a release date. The release date will be the current semester, the session completion date, or the date of expected transfer if earlier than the established academic cycle. The current school will retain control over the student's record in SEVIS until the student completes the current term or reaches the release date. At the request of the student, the DSO of the current school may cancel the transfer request at any time prior to the release date. As of the release date specified by the current DSO, the transfer school will be granted full access to the student's SEVIS record and will then become responsible for that student. The current school conveys authority and responsibility over the student to the transfer school, and will no longer have full SEVIS access to that student's record. As such, a transfer request may not be cancelled by the current DSO after the release date has been reached. After the release date, the transfer DSO must complete the transfer of the student's record in SEVIS and may issue a SEVIS Form I-20. The student is then required to contact the DSO at the transfer school within 15 days of the program start date listed on the Form I-20. Upon notification that the student is enrolled in classes, the DSO of the transfer school must update SEVIS to reflect the student's registration and current address; thereby acknowledging that the student has completed the transfer process. In the remarks section of the student's SEVIS Form I-20, the DSO must note that the transfer has been completed, including the date, and return the form to the student. The transfer is carried out when the transfer school notifies SEVIS that the student has enrolled in classes within 30 days.



How long may I stay in the U.S. while I transfer from one school to another?

A maximum of five months. According to new SEVIS regulations, a student may not remain in the U.S. between programs unless the student will begin classes within 5 months of transferring out of the current school, or within 5 months of the program completion date as indicated on the Form I-20 issued by the current school, whichever date is earlier.

For example, you intend to transfer to another school (transfer school) from your current school on your completion date on your SEVIS Form I-20. As long as you start your first classes at the transfer school no more than five months later, your stay will be legal. If you transfer out of your current school before the completion date, you will have to start your classes at the transfer school within five months, even though your completion date has not been reached.

If I transfer to another school, is my curricular practical training still valid?

No, authorization to engage in a curricular practical training employment is automatically terminated when you transfer to another school.