Maintaining F-1 Student Status

The information contained in this document is subject to change as federal laws and regulations are modified. US laws have changed drastically in the last few years and will continue to change. The IIC keeps up to date on those changes.

*Information marked with "**" is quoted directly from the NAFSA: Association of International Educators Adviser's Manual of Federal Regulations Affecting Foreign Students and Scholar, other is quoted directly or summarized from federal regulations.

The US Citizenship & Immigration Service (USCIS, formerly known as the INS and more recently the BCIS) published regulations (regs) on Dec. 11, 2002, and those regs went into effect on Jan. 1, 2003. The regulations added reporting requirements, which are now accomplished through the electronic reporting program called SEVIS (Student & Exchange Visitor Information System). The information in this document is as up-to-date as possible, but is subject to change, as this is a continually evolving process.

Acronyms & Abbreviations

Acronyms are words formed from the initial letters or parts of a word. Abbreviations are a shortened form of a word or phrase used chiefly in writing. We often use the acronyms and abbreviations, and feel it would be useful to you to have a list of them for future reference.

- **DSO**: Designated School Official
- **SDSM&T**: SD School of Mines & Technology
- **IIC**: Ivanhoe International Center
- **SEVP**: Student & Exchange Visitor Program
- **SEVIS**: Student & Exchange Visitor Info System
- **DHS**: Department of Homeland Security
  - (governing body of USCIS, ICE, & CBP)
- **USCIS**: US Citizenship & Immigration Service
- **ICE**: US Immigration & Customs Enforcement
- **CBP**: US Customs & Border Protection
- **ESL**: English as a Second Language
Maintaining your Status
For F-1 students* (most rules apply to J-1 as well)

General Requirements
Once an alien is admitted to the United States in F-1 status, s/he must meet certain obligations in order to maintain status. The student must:

1. have a passport that is kept valid at all times, unless exempt from the passport requirement;
2. attend the school s/he was authorized to attend;
3. continue to carry a full course of study;
4. follow certain procedures if the student must remain in the United States longer than the length of time estimated for completion of his or her educational program, as stated on the initial I-20 issued to begin the program of study;
5. follow certain procedures to continue from one educational level to another (e.g. from the bachelor's to the master's level) at the same school;
6. follow certain procedures to transfer to a school other than the one originally authorized;
7. limit employment, both on campus and off, to a total of 20 hours per week when school is in session;
8. NOT work off-campus without authorization;
9. report a change of residence to the IIC within 10 days of the change; and
10. not count more than one course (3 credit hours maximum) of distance education toward full time student status.

These requirements are more strictly enforced than ever before and will be reported electronically. Any allowable exceptions must be requested and approved PRIOR to the semester in which the exception occurs.

Duration of Status (D/S)
The student is admitted to the United States for “duration of status”, defined in the regulations as the period during which the student “is pursuing a full course of study at an educational institution approved by the Service for attendance by foreign students, or engaging in authorized practical training following completion of studies...An F-1 student may be admitted for a period up to 30 days before the indicated report date or program start date listed on Form I-20. The student is considered to be maintaining status if s/he is making normal progress toward completing a [full] course of study.” [8 CFR 214.2(f)(5)(i)] “An F-1 student who has completed a course of study and any authorized practical training following completion of studies will be allowed an additional 60-day period to prepare for departure from the US or to transfer...An F-1 student authorized by the DSO to withdraw from classes will be allowed a 15-day period for departure from the US. However, an F-1 student who fails to maintain a full course of study without the approval of the DSO or otherwise fails to maintain status is not eligible for an additional period for departure.” [8 CFR 214.2(f)(5)(iv)]

Full Course of Study
A student must be enrolled for a full course of study. If not the student is not pursuing a full course of study at the institution the student is authorized to attend, the student is out of status and must apply for reinstatement to student status. The student is not eligible for transfer to another institution, on campus work (including assistantships), off campus work, or practical training. “Successful completion of the full course of study must lead to the attainment of a specific educational or professional objective.” [8 CFR 214.2(f)(6)(i)] NO MORE than one course or 3 credits of distance education may apply toward full time status.
Program Extension

“An F-1 student who is currently maintaining status and making normal progress toward completing his or her educational objective, but who is unable to complete his or her course of study by the program end date on the Form I-20, must apply PRIOR to the program end date for a program extension...” [8 CFR 214.2(f)(7)(i)] “An F-1 student... may be granted an extension by the DSO if the DSO certifies that the student has continually maintained status and that the delays are caused by compelling academic or medical reasons, such as changes of major or research topics, unexpected research problems, or documented illnesses. Delays caused by academic probation or suspension are not acceptable reasons for program extensions. A DSO may not grant an extension if the student did not apply for an extension until after the program end date noted on the Form I-20.” [8 CFR 214.2(f)(7)(iii)]

Change in Level of Program/Change of Program/ Begin a New Program

In each of the following cases, you will need to obtain a new I-20. Please do so immediately upon admission to the new program.

Change in Level of Program: completing a bachelor’s degree and pursuing a master’s degree, or completing a master’s degree and pursuing a PhD.

Change of Program: transferring from one department to another without completing a degree.

Begin a New Program: starting a new program after completing a program in one department (must be different departments).

Transfer of schools

Eligibility

An F-1 student “who is maintaining status may transfer to another Service-approved school by following the notification procedure...An F-1 student who was not pursuing a full course of study at the school he or she was last authorized to attend is ineligible for school transfer and must apply for reinstatement...” [8 CFR 214.2 (f)(8)(i)

Employment

First and foremost! Never go to work for an employer without having permission! Always check with the IIC prior to going to work. If you go to work for someone without having work permission, you are considered to be in violation of your F-1 status. If this happens, you lose all benefits associated with F-1 status, including permission to work on campus (assistantships, on-campus jobs). You are NOT eligible for reinstatement through the USCIS.

Time limitations
F-1 students are limited in the number of hours they are allowed to work per week. You are limited to 20 hours per week when school is in session. This includes all types of employment. If you have two on-campus jobs, you may only work a TOTAL of 20 hours per week.

Types of employment
Students in F-1 status are very limited in the types of employment in which they may engage. There are several different types of employment that F-1 students may be eligible for.

On-campus employment. Any student who is in valid F-1 status is eligible for on-campus employment. This includes teaching or research assistantships and other on-campus work, such as working in Dining Services, the Library, etc.
**Off-campus employment.** Employment off-campus is extremely difficult to obtain. Please contact the IIC for information.

Off-campus employment opportunities may be available through curricular practical training, optional practical training, or economic necessity. (Work permission for economic necessity must be authorized by the USCIS and is very difficult to obtain.) For each of these you must be in F-1 student status for AT LEAST one academic year. Please contact the IIC for further information.

**Change of Address**

The IIC must have your current address. Please notify us of any change of address and telephone number within 10 days of moving. This is now VERY strictly enforced by the ICE.

**Travel**

**Requirements for re-entry into the United States**

In order to re-enter the United States after a temporary absence of 5 months or less, an F-1 student must have the following documents: a valid passport or travel document and a valid visa..., and...a properly endorsed Form I-20...As a matter of practice, CBP officials at ports of entry require that the Form I-20 bear a DSO certification for re-entry executed in the current term—if a student is re-entering during the academic year—or, if a student is returning from his or her annual vacation, executed in the term preceding the vacation. The endorsement may be executed even if there has been a change in the date the student is expected to report to the school. If a student loses the Form I-20, a DSO may issue a duplicate Form I-20...

A “temporary” absence for the purpose of re-admission with an endorsed Form I-20 A-B is defined as an absence of 5 months or less....

...a student must have a valid F-1 visa stamp in his or her passport. Consequently, a student who entered the United States in another nonimmigrant classification and has changed status to that of an F-1 student must obtain an F-1 visa (passport stamp) before re-entering the country. It is not possible to obtain an F-1 visa inside the United States. An F-1 student who needs to obtain a visa in order to enter the United States after a temporary absence must apply for the visa at a U.S. consular office abroad...

**Penalties for violation of status**

The US Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) on September 30, 1996, which provides for severe penalties for people who violate their status. Recent laws that directly affect international students are the USA PATRIOT Act and the Border Security Act. This document addresses some of those new regulations.

If you have any questions, please contact the Ivanhoe International Center for more information.

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