

LEGAL INFORMATION FOR F-1 VISA STUDENTS

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1.1 GENERAL INFORMATION

1.1.1 LAW IN THE UNITED STATES

The United States (U.S.) is often called a “litigious society,” meaning that people rely heavily on lawyers and courts to formalize and enforce agreements, mediate disputes, and obtain restitution for injuries and injustices. In a less individualistic society, these functions are more likely to be performed through networks of personal acquaintances rather than through legal means.

In the United States, the judicial system (law) has a greater role than they do in many other societies. Students and scholars from other countries sometimes find themselves involved in the legal system, either to pursue a complaint or grievance of their own, or to defend themselves from an accusation made by someone else.

1.1.2 INTERNATIONAL STUDENTS AND LEGAL ISSUES

At some point in their college career, an international student may need legal assistance to help them challenge accusations, landlord/tenant problems, or many other issues that can arise. The Oakland Community College (OCC) campus does not have a legal department to assist students with their issues. Other matters for which international students may seek legal aid is:

- Drivers that do not have car insurance who are involved in a traffic accident
- Paying too much for used cars, or buying used cars that turn out to be defective
- Paying too much for merchandise sold by area merchants or by people who sell over the telephone
- Being victimized by “scams” such as offering “prizes” that turn out to require investments by the student, or selling overpriced merchandise on the telephone
- Divorces

There are some people who really take advantage of international students by overcharging them or selling them defective goods. Sometimes, international students are “too nice” as customers, believing too readily that people are telling them the truth, and not asking questions about the merchandise or the terms of the sale.

Some international students don’t seem to realize the importance of a signature. They do not always understand that once they have signed a lease, contract, or other sales agreement, they are bound by its terms. From this and from the experience of the International Student Advisors, we can make the following list of suggestions for staying out of trouble with the police and the courts.

- If you want to buy a used car, get expert assistance in evaluating the car’s condition and how much it is worth.
- If you buy a car, buy insurance for it. At least buy liability insurance.
- If you drive someone else’s car, be absolutely certain the car is insured. If it is not, do not drive it unless you yourself have insurance.
- If you want to take some merchandise from a store, pay for it first. Do not shoplift.
- Before you sign a lease, contract, purchase agreement, or any other such document, be sure you fully understand what is says.

- Before you make a major purchase (car, appliance, furniture, electronic equipment), compare the prices offered by different stores. Also, consider asking for a list of previous customers whom you can consult about the product or service you are considering buying.
- If you are angry at your spouse or child, find some way to deal with your anger other than hitting the person. What might be acceptable means of controlling or punishing a spouse or child in some countries might be illegal in Michigan or the United States. Under Michigan law, striking a spouse or child will result in being put in jail if the police are called and they find any evidence of injury.
- If you have small children, make sure there is always an adult watching them. Inadequate supervision of children; for example, allowing them to be outside the house or apartment on their own without an adult for long periods of time – violates the law.

1.1.3 YOUR LEGAL RIGHTS

The United States Constitution guarantees certain rights to everyone staying in the country. In general, non-immigrants in the United States (such as international students and scholars) enjoy the same constitutional protections as U.S. citizens do. However, non-immigrants are subject to immigration laws that do not apply to citizens. Non-immigrants can **own property** (land and buildings) if they wish to. Non-immigrants are **protected against discrimination** on the grounds of race, religion, color and national origin.

1.1.4 LEGAL RESPONSIBILITIES RELATED TO IMMIGRATION

Like all other countries of the world, the United States has laws and regulations governing international students who are temporarily within the country. These regulations are often complex, and they change periodically. **You are responsible for knowing the regulations regarding your particular immigration status.** Violating any of these regulations will result in you falling out of status and may subject you to deportation. Ten essential things that you are responsible for doing with respect to immigration law and regulations are summarized below:

1. Keep your **PASSPORT** valid at all times.
2. If you are a student, maintain your **FULL-TIME ENROLLMENT** during the academic year. Enrollment in spring/summer session is not required, unless it is your first semester as an F-1 in the U.S.
3. F-1 students must file a **PROGRAM EXTENSION** if they need more time than allowed on the I-20 ID to complete the program of study for which the I-20 is issued.
4. Do not accept **EMPLOYMENT** unless the employment (such as on-campus employment or practical training) is officially authorized by the U.S.
5. Do not **TRAVEL** outside the United States even briefly without the proper documents and signatures on them.
6. If you are about to graduate and you want to remain in the U.S. for further study, apply to the new school/program **BEFORE** you graduate.
7. Report your new **ADDRESS** to the to the ISA (International Student Advisor) within 10 days after you change your address. (You must also report it to the Enrollment Services Office).
8. File your **INCOME TAX FORM**, if you have been working. Fill out forms appropriate to your tax status.
9. Give **TRUTHFUL** answers to any questions an immigration officer might ask you about your student status.

10. Try to keep informed and **READ everything sent to you by the ISA** to stay up-to-date on immigration regulations that might affect you.

1.2 ENFORCEMENT OF IMMIGRATION LAWS

Concerning U.S. law and its relationship to international students and scholars, International Student Advisor Eugene Smith wrote in the Asian Student Orientation Handbook, international students have the constitutional right to express their views freely, to join together with others in the expression of those views, and to participate fully in the propagation and publication of ideas, popular or unpopular, so long as those expressions are made in an orderly and peaceful manner. They have the same rights to free speech and are subject to the same limitations of freedom of action as are American citizens. Some international students fear that if they are convicted – or even accused – of a violation of any law they will be deported immediately and automatically. That is not true. In most cases, conviction of a single misdemeanor or minor offense will have no effect on a student’s immigration status. Conviction of a more serious offense can result in deportation. For example, if a student is convicted of a minor theft, disturbing the peace, drunkenness, or a similar minor offense, it will not affect the student's immigration status. A student can be deported if he/she is convicted of a crime involving immoral, corrupt, or evil acts for which he/she is sentenced to at least one year in confinement or if he/she is convicted of a crime of violence for which a sentence of at least one year could be imposed. The immigration law provides for the possible deportation of any person who is a “narcotics addict” or who is “convicted of a violation of...any law or regulation relating to the illicit possession of or traffic in narcotic drugs or marijuana.”

Enforcing U.S. immigration laws and regulations is the responsibility of the Department of Homeland Security (DHS). The **United States Citizenship & Immigration Services (USCIS) and United States Immigration and Customs Enforcement (USICE) are both divisions of Department of Homeland Security (DHS). The International Student Advisor (ISA) is employed by Oakland Community College (OCC), not DHS.** However, the International Student Advisor is required to notify the USICE when a student has failed to maintain his or her status or is not longer attending the College. The DHS has granted limited authority to school officials to authorize employment for international students. At OCC, those school officials are the International Student Advisors. Work permission is discussed in more detail later in this chapter. In general, the ISA’s responsibility in the immigration area is to help students and scholars in fulfilling their legal obligations so they can maintain their legal status.

1.3 BASIC TRAVEL DOCUMENTS

You should **make photocopies** of your travel documents and keep the copies in a safe place. Do not keep them with the originals of your documents; keep them in some other safe place. Copy:

1. the passport pages that have your picture and personal information, and the expiration date
2. the passport page with the visa on it
3. both sides of your Form I-94 (arrival/departure record)
4. your I-20

Having these copies is quite helpful if you should lose any of the originals

1.3.1 PASSPORT

Your passport is your own government's permit for you to leave and re-enter your own country. Most passports contain an expiration date. In place of a passport, some students hold a certificate of Identity (often called a "CI"), which is roughly equivalent to a passport.

Renewing Your Passport

Consult your own consulate or embassy in the U.S. to renew your passport. The officials there will tell you what forms and fees, if any, are required. If you are required to supply a letter affirming that you are a student at OCC, you can request such a letter from the ISA. You should keep your passport valid at all times.

1.3.2 VISA

The visa stamp put in your passport by the U.S. consul abroad was needed to *enter* the United States. The visa shows the date the visa was issued, the date on which the visa will expire, the non-immigrant status for which the visa was issued, and the number of entries that may be made by using this visa.

When you arrive at your "port of entry," the U.S. immigration inspector examines your passport, your visa, and your Certificate of Eligibility (The I-20), and determines whether you are allowed to enter the U.S.

Renewing Your Visa

It is necessary to renew your visa only if:

1. you plan to leave and re-enter the U.S. after your visa has expired, and
2. you are going somewhere **other** than Canada, Mexico, or any of the islands in the Caribbean Sea (except Cuba).

If it is necessary for you to renew your visa in order to re-enter the U.S., you do this at the U.S. consulate in your home country. However, there is no guarantee the renewal of your visa will be approved. **It is not possible to renew an F-1 visa while you are within the borders of the U.S.**

1.3.3 I-94, ARRIVAL/DEPARTURE RECORD

The I-94 is filled out in the plane as you prepare to land in the U.S. The I-94 shows that you have been legally admitted to the U.S. The I-94 is usually stapled onto the U.S. visa page of your passport. It contains an eleven-digit identifying number (called your **admission number**). The USICE uses the number to keep track of your arrival in and departure from the U.S.

Expiration

There is no expiration date written on the I-94, rather, only the inscription "D/S" (duration of status). "Duration of Status" means that you are admitted for the length of your program as indicated on Form I-20, *for as long as you maintain your non-immigrant status according to the regulations.*

Extending Your Stay

If your permission to stay is going to expire and you need to remain in the U.S. beyond its expiration in order to continue your program, **you are responsible for extending your stay**. You must apply within thirty (30) days before your stay expires. Please consult the ISA if you have any questions.

1.3.4 I-20

The I-20 is the Certificate of Eligibility for Non-Immigrant (F-1) Student Status. The I-20 is a legal document showing the student has been admitted to the College with the approval of the DHS. **The I-20 is as important as your passport and should accompany you when you leave the United States**. The last page of the I-20 requires a signature from the International Student Advisor giving the student permission to leave and re-enter the U.S. (See Travel Outside of the United States). Although the form says the signature is valid for 12 months, the ISA recommends the I-20 be signed *each semester* that you travel outside the U.S.

1.4 REGULATIONS: F-1 STUDENTS

There are procedures for obtaining an F-1 visa or F-1 status.

First, you must complete an application and demonstrate your understanding of the English language to study full time in a U.S. institution. Proof of a TOEFL score of 350 (63/computer) or higher will be acceptable for admission to the college.

Secondly, you must show proof of financial support and sponsorship to study full time. Having shown this proof, you should **not** need to work during your studies in the U.S.

Finally, the school sends you a form I-20 A-B (Certificate of Eligibility) which you use to obtain an F-1 visa from an American consul, or to apply for a change of status to F-1 within the U.S.

1.4.1 REGULATIONS FOR MAINTAINING F-1 STATUS

Full-time Study

F-1 students must maintain full-time status each semester until they receive their degrees. (F-1 students are not required to register for the spring/summer session, unless this is your first semester of study in the U.S.) “Full-time study” for international students means a minimum of **twelve credit hours for undergraduate students**. If the student cannot attend full-time, the student has to contact the International Student Advisor ***prior to the start of the semester, or lose their status***. OCC is required to report to USICE when an F-1 student is enrolled less than full time. Exceptions to the full-time enrollment requirement are possible in the case of health problems or for valid academic reasons. See the ISA concerning the documentation of these circumstances.

Duration of Status

F-1 students have permission to remain in the United States for what is known as “duration of status,” noted on the I-20 and the I-94 (Arrival/Departure Record) as “D/S.” Duration of status is

defined as “the period during which the student is pursuing a full course of studies in any education program (e.g., associate degree) and any period of authorized practical training, plus sixty days within which to depart from the United States.”

Completion Date

Item #5 on your I-20 shows the date by which you are expected to complete the program of study for which your I-20 was issued. This date is based on an estimate of the length of time it takes a student to complete that particular program of study.

Program Extension

If you cannot complete the program of study by the date shown on your I-20, you must request a program extension from an ISA. If you have valid reasons for requesting more time and have maintained your F-1 status, you must complete appropriate paperwork for the extension. The ISA issues an I-20 and notify the USICE of your new completion date.

Level of Study

If you transfer to a new school, the new school will issue a transfer I-20 with beginning and ending dates to accommodate the new degree. If you have earned an associate degree and want to earn a second one, a new I-20 must be issued for the second program of study and the USICE has to be notified. See the ISA for completion of appropriate paperwork.

Transferring to Other Schools

An F-1 student wishing to transfer to another school within the United States must obtain an I-20 from the new school. To be eligible for school transfer, an F-1 student must be in status and have been pursuing a full course of study (at the authorized institution) or have been engaged in post-completion practical training. Any student not meeting these requirements is ineligible for school transfer procedure and must apply to the USICE for re-instatement to student status. Before leaving the old school, the student must inform that school of the intention to transfer.

General

Program extensions, changes of level of study, continuation for a second degree at the same level of study, and school transfer all require notification to the USICE and a new I-20. Students must remember to request these documents in a timely fashion.

- Program extensions must be applied for within 30-45 days before the completion date on the I-20.
- School transfers must be processed by the 15th day of classes at the new school.

Travel Outside the United States

If you plan to travel outside the U.S., you should inform the ISA first. Have your passport and I-20 with you when making inquiries about traveling outside the U.S. Remember that:

- Your passport must be valid beyond the date on which you plan to re-enter the U.S.
- Your visa must be valid for “multiple” entries into the U.S., and must be valid after the proposed re-entry date. Exceptions to this rule are for short visits to Canada and Mexico.

For such trips, you will need only your passport, your endorsed I-20, and a current I-94. In the case of trips to other countries, if the visa is valid for only one entry, or has expired, a new visa **may** be obtained from the American Consulate in the country you are visiting by presenting evidence of financial support and your current I-20, although this cannot be guaranteed. You should allow enough time to obtain a new visa.

- All students in F-1 status should come to the ISA to obtain a signature on their I-20 before leaving the United States. The International Student Advisor is authorized to sign this document. Students and their F-2 dependants without a current signature on their I-20 will be denied re-entry to the United States.

1.4.2 EMPLOYMENT (F-1)

Employment opportunities for international students in the U.S. are restricted by law. The law makes it illegal for employers to knowingly hire non-immigrants who are in immigration status that does not permit them to work.

On-Campus Employment

F-1 students who maintain their status can be employed in any part-time, on-campus job as “student assistants.” F-1 students are allowed to work up to 20 hours per week on campus when school is in session. To work as a student assistant, you must fill out a JP-11 form on the OCC website.

Practical Training

F-1 students may participate in two types of practical training: curricular and optional practical training. These types of practical training allow an F-1 student to work off-campus in a job related to his or her major field of study.

Curricular Practical Training

CPT is allowable **prior** to completion of program. This type of practical training allows students who are still registered for classes to participate in hands-on experience complimentary to the academic program. Any student who participates in one year (12 months) of **full-time** curricular practical training is **not eligible** for any post-completion practical training. Part-time curricular practical training does not count against post-completion practical training. Students interested in curricular practical training should consult ISA and the Internship Coordinator.

Optional Practical Training

This type of training is intended to provide hands-on practical work experience complementary to the academic program. While on practical training, individuals are still considered to be F-1 students at Oakland Community College even though they may be working elsewhere in the U.S. An F-1 student is eligible for **(12) twelve months** optional practical training. Optional Practical Training is available in the following cases:

1. part-time (20 hours per week or less) prior to the completion of a program of study
2. full-time after completion of the program of study (file 90 days before program completion).

The ISA will assist you in completing the necessary paperwork for optional practical training.

1.4.3 F-2 STATUS

The spouse or child of an F-1 student enters the U.S. in F-2 status and is admitted for the same length of time as the F-1 student. If the spouse or child does not accompany the student to the U.S., but intends to arrive later, the student's U.S. institution must prepare a new I-20 for the dependent. The form is sent to the spouse for use in getting an F-2 visa and entering the U.S. in F-2 status. Any student wishing to bring a spouse and/or child to the U.S. should visit the ISA to discuss the financial implications of the action and to have the necessary documents prepared. People in F-2 status are **never** allowed to be employed for monetary compensation and cannot study full-time.

1.5 TRIPS OUTSIDE THE U.S., ESPECIALLY TO CANADA

It is the student's responsibility to make sure that they have the necessary documents and visa needed to enter the country they wish to visit, and to re-enter the U.S. The country that OCC international students and scholars most commonly visit is Canada.

To enter Canada from the U.S., students need the following:

1. valid passport
2. a current I-20 signed on the last page by the ISA for the current semester
3. valid I-94 (Arrival/Departure Record)
4. evidence of provision for transportation back out of Canada
5. evidence of adequate financial support for the stay in Canada

If you need to apply for a Canadian non-immigrant visa, you may write to the Canadian Consulate (600 Renaissance Center, Suite 1100, Detroit, MI 48243) and request an application form. If you have questions about Canadian non-immigrant visa requirements or procedures, call the Canadian Consulate at (313) 567-2340.

1.6. INCOME TAX

1.6.1 WHO FILES AN INCOME TAX RETURN?

Everyone who works in the United States must file an Income Tax return form. There is an agreement between the U.S. and other countries where your income is exempt from taxation. This agreement is called a tax treaty. To find out if your country has a tax treaty with the U.S., contact the Internal Revenue Service.

1.6.2 WHEN TO FILE YOUR INCOME TAX RETURN

April 15 is the deadline for filing a return on the income earned during the preceding calendar year. Sometime during January each year, your employer will send you a "W-2 form," showing the amount you have earned during the last year and the amount of federal and state income tax that has been deducted. The W-2 form is used in preparing your income tax return. The amount withheld often exceeds the amount you would be required to pay, so failure to file a tax return may result in a financial loss for you. You must file a return in order to receive a refund.

1.6.3 WHERE TO GET TAX FORMS

In general, international students and scholars are classified as **non-residents for tax purposes**. Non-residents use an income tax form called 1040 NR or 1040 NR-EZ. Tax forms and instructions are usually available at the bank, post office, and libraries. If you have previously filed an income tax return, a new one will be mailed to you in the following year.

1.6.4 DOCUMENTATION

It is a good idea to keep complete records of your financial transactions. Without good records, completing your income tax returns can be difficult. If you seek assistance from someone else in preparing your income tax returns, that person will need thorough records of your income and expenses. Keep a copy of any income tax form you submit.

1.6.5 GETTING ASSISTANCE IN FILING INCOME TAX RETURNS

The Internal Revenue Service (IRS) is the U.S. agency responsible for collecting income taxes. You may address questions to the IRS by calling 1-800-424-1040 toll free. Under a program called VITA (Volunteer Income tax Assistance), business students get training from the IRS to help area residents complete their tax forms. Details of such arrangements are widely publicized in February and March of each year.

For a fee, there are a number of businesses that will assist taxpayers in preparing their income tax returns. You can find them in the yellow pages under “Tax Return Preparation.” Income tax laws and procedures are complex and always changing. Trained persons can best assist you because they remain up-to-date concerning laws and procedures.

1.7 SOCIAL SECURITY

“Social Security” is the U.S. government’s social insurance plan. It is intended to benefit retired people and certain people who are injured, disabled, or left without adequate means of financial support. It is financed by withholdings from employees’ pay and employers’ contributions. Virtually all Americans have a “Social Security Number”, or, SSN, which designates their account with the Social Security Administration.

1.7.1 OBTAINING A SOCIAL SECURITY NUMBER

If you are employed in the U.S., you will need a Social Security number even if your pay is exempt from withholding (see next paragraph). To get a Social Security Number, you must take your I-20, your passport, and I-94, along with *a letter from the International Student Advisor*, to the nearest Social Security Administration office. For your information, there is one located at 23580 Orchard Lake Rd., Farmington Hills, just a couple miles south of the Orchard Ridge Campus.

1.7.2 EXEMPTIONS

In general, people who are in F-1 status who are working legally in the U.S. are not required to pay into the Social Security fund. (FICA). IF you are legally employed in the U.S. as an F-1, you should make sure your employer is NOT withholding Social Security from your check.