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MAINTAINING LAWFUL F-1 STATUS

What is F-1 Status?

U.S. immigration law divides all persons coming to the United States into two categories: *immigrants* and *non-immigrants*. *Immigrants* hold legal permanent residence in the U.S. and are commonly referred to as “green card” holders or “resident aliens.” *Non-immigrants* come to the U.S. for a temporary stay to accomplish a specific objective and then return home. **F-1 Student** is the classification assigned to non-immigrants coming to the United States to earn a certificate, degree, or professional qualification at a U.S. college or university, including students of English as a second language (ESL or ELI).

As an F-1 student, you will have interactions with two branches of the U.S. government. The Department of State operates the U.S. consulates and embassies overseas and issues visas to individuals who meet the criteria for student status. U.S. Citizenship & Immigration Services (USCIS) manages the interviewing of potential students upon arrival, grants admission to the country, and monitors non-immigrants in the U.S. It is one agency within the Department of Homeland Security

Due to the large number of students studying in the U.S., the government has assigned partial responsibility for your immigration monitoring to university officials known as *designated school officials*, or DSO's. A DSO is a campus immigration advisor for students at Suffolk. Immigration advisors are located at the CIE, or Center for International Education, at 73 Tremont Street on the 6th floor. CIE immigration advisors serve as the liaison between you, the student, and the two governmental agencies involved in student immigration matters. It is essential for you to work with the campus immigration advisors in order to avoid any problems with your student immigration status.

How does the USCIS Monitor My Activities in the U.S. ?

In 2003 USCIS began using an electronic database called **SEVIS** to monitor the activities of F-1 students in the U.S. SEVIS, or Student and Exchange Visitor Information System, contains all of the program information listed on the form I-20 as well as address, enrollment and employment information on each student using F-1 status in the U.S. Suffolk University continually updates SEVIS records using data from the Registrar's databases in the colleges and the Law School. Incidents such as course withdrawals, changes of address and employment authorization are reported to SEVIS by the university as required by law. USCIS officers monitor the information that is submitted to the database, and they use SEVIS to locate students who fail to meet the criteria for maintaining F-1 status. These students face serious consequences, including removal from the U.S.

I have entered the U.S. in F-1 Status; how long can I stay in the U.S.?

F-1 immigration documents can be confusing, because there are different dates listed on the forms. Both the visa sticker in the passport and the form I-20 contain expiration dates. In addition, the I-94 card contains the notation “D/S”, indicating that students are admitted to the United States for “Duration of Status”. *Duration of Status* is a term indicating that once you have been admitted to the U.S. in F-1 status, *you may remain in F-1 status as long as you comply with all of the laws regarding F-1 students or*

until you have completed your academic program. The next section discusses each of the major requirements of the F-1 student regulations and the dates to remember.

What do I have to do to comply with the U.S. immigration laws regarding students?

To remain eligible for the open-ended D/S notation on your I-94 card, be sure to complete each of the following actions:

• ***Enroll at the School Which Issued Your I-20 Form***

You were admitted to the United States to attend the school that issued your I-20 form. Using an I-20 from one school to gain admission to the United States to attend another school is a violation of U.S. immigration law. Generally, you should plan to attend the institution that furnished your I-20 for at least one semester before attempting to transfer elsewhere.

• ***Keep a Valid I-20 at All Times***

Although you have been admitted to the U.S. for the open-ended “Duration of Status,” you must make sure that your I-20 does not expire. Item 5 of the form contains both a start and an end date. If you cannot complete your studies by the end date on the form, you must come to the CIE to request a program extension **BEFORE** the end date on the form. Please note that this date is different from the expiration date on the F-1 visa sticker in the passport. While your visa sticker may expire without jeopardizing your F-1 status, the I-20 must be valid at all times.

• ***Report Every Change of Address to CIE***

F-1 students must always furnish their current residential and mailing address to the university. Students who arrive in the U.S. and find an apartment for the first time or who later move to a new residence have **10 days** to report the new address to the Center for International Education and to the Registrar for their school. The university will update the address information in SEVIS. Please note that a student arriving in the U.S. for the first time cannot be registered in the SEVIS database until he or she provides a current local U.S. addresses to the immigration advisor. The address must be the actual residential location where you live. Do not submit the address of a friend or relative if you are not residing at that location.

• ***Enroll in and Maintain a Full-Time Course Load Every Semester***

F-1 students are required by law to maintain a full-time course load. Students must be enrolled full-time every Fall and Spring Semester. Summer semester is the official vacation term of the university for all semester-calendar programs, and students may be enrolled full-time, part-time, or not at all during the summer, with one important exception. Students who begin their studies at Suffolk in the Summer I session must be enrolled for 6 credits in Summer I and 6 credits for Summer II. Full-time enrollment criteria in the regular academic year vary by major and level of study:

Level of Study and Program	Full-Time Enrollment Criteria
Undergraduate students, all majors	12 credits
Graduate students, Computer Science	9 credits
Graduate students, MSF program	6 credits
*please note that the MSF program is on a quarter system, so summer is NOT an automatic vacation term.	
Graduate students, PhD in Economics	9 credits
Graduate students, all other majors	12 credits
Law School students, JD	12 credits
Law School students, LLM	9 credits

There are only a few times when you can consider enrolling for less than a full-time course load. If you are considering dropping a class or enrolling for less than full-time study, you must obtain approval from an immigration advisor BEFORE dropping any class. Immigration advisors can consider the following 3 types of requests to enroll for less than a full-time registration:

- I. In the First Term of Study:** There are two situations in your first semester of university level study in which you may drop below full-time if you obtain the permission of the CIE before the course withdrawal:
- A. Initial Difficulties with the English language:** If you are having problems in a class because your English language skills do not allow you to complete the required coursework, CIE can grant you permission to drop that class. To obtain CIE permission to drop this class, you must present a letter or email from the professor recommending that you drop the class due to English language difficulties. This faculty recommendation to withdraw from the class is required.
- B. Improper Course Level Placement:** If you have been placed in a course that is too advanced for you, CIE can grant you permission to drop that class. “Improper Course Level Placement” means that you were placed in an advanced course without the appropriate foundation course. For example, you may not be able to complete English 102 before you complete English 101. To obtain CIE permission to drop a class in this circumstance, present a letter or email from the professor recommending that you drop the class due to a lack of the proper foundation in the subject matter. This faculty recommendation to withdraw from the class is required.

II. Medical Leave is available in any semester when an illness, surgery, accident or other medical condition causes you to be unable to complete required coursework. To obtain CIE permission to drop a class for medical reasons, present a letter from a medical doctor or mental health professional in which the health care provider makes the written recommendation for you to take less than a full-time course load. If the medical situation will continue for more than one semester, a new leave letter must be presented each semester. Please note that a letter stating that you saw a doctor or nurse on a certain date for an illness is **not** sufficient documentation for medical leave. You must consult with an immigration advisor regarding medical leave BEFORE withdrawing from a class or registering for less than a full-time academic load. A student can seek a maximum of 12 months of medical leave per academic program. A student who needs more than 12 months of recovery time should consider returning home or changing to a different immigration status.

III. In the Final Term of Study: During the semester in which you will complete the final courses necessary to earn your degree, you may enroll in a less than full-time course load. For example, if you are studying Business Administration and have one required course to complete and one elective to complete before being awarded your degree, you may lawfully register for only 6 credits instead of the required 12. **Please visit the CIE just prior to your last term so that an advisor can approve this reduced enrollment in SEVIS.**

Please note the following important considerations for full-time enrollment--

1. No immigration regulation permits enrollment in a less than full-time course load due to lack of availability of required courses. If there are no required courses available for your major in any given semester, you must still enroll in a full-time course load. This situation may require you to take four elective courses in one semester. Similarly, if you become “out of sequence” with the offerings in your department, you may need to take additional electives to maintain your immigration status.

2. Exemptions from the full-time course load requirement may be granted *only* by the CIE. These exemptions are granted only when all required documentation has been presented. While meetings with Deans, Professors and Academic Advisors may occur during the process of arranging to take less than a full course load, these individuals cannot grant permission for you to take a reduced course load from an immigration perspective. Only the immigration advisors in the CIE can approve immigration issues, and they must grant that approval before the Registrar can process a withdrawal request.

The university provides continuous updates to SEVIS regarding student enrollment in courses. Any course withdrawal that you make will be automatically submitted to SEVIS and will jeopardize your immigration status. The university is required by law to report in SEVIS any student who withdraws from the university or who receives a grade of “L” for lack of attendance.

- ***Follow USCIS Procedures for Changes of Educational Level and Transfers to Other Schools***

A change of educational level means moving from one academic level to another at the same institution, (i.e. completing an ESL program and moving to a bachelor’s program within the same university). In immigration lingo the word “transfer” refers to any change from one school in the U.S. to another school in the U.S. without leaving and reentering U.S. territory. Thus, if you graduate from Boston University with a Bachelor’s degree, spend the summer in Boston, and begin a Master’s degree program at Suffolk University the following September, you have made an immigration transfer, even though you have not transferred from one school to another in the academic sense.

You must report to the Center for International Education to register your transfer or change of educational level **within 15 days of the start date on your form I-20.**

- ***Make Satisfactory Progress Towards the Completion of your Program***

Because you were admitted to the United States for the specific purpose of engaging in academic studies, the USCIS expects that the majority of your time will be spent on your studies. If you are placed on academic probation, you can jeopardize your ability to stay in the U.S. in F-1 status. If you are having any academic difficulties, be sure to see your academic advisor or an immigration advisor as soon as possible so that the advisors can assist you in resolving the problem.

- ***Obtain the Appropriate Authorization for Any and All Employment***

F-1 students are allowed to work only in very limited circumstances. Before attempting to locate **employment of any kind**, you should consult the CIE. Employment includes internships, co-op placements, clerkships, practicums, student jobs on-campus (student assistants, fellowships, teaching fellowships) and any type of work off-campus, whether the work involves the academic major or positions such as working in a shop, restaurant or home (house cleaning and babysitting). You must visit CIE to obtain a written work authorization before beginning any type of work. Not all proposed employment will be eligible for authorization; the immigration advisor will assess your request according to the provisions in the regulations. Approved on-campus employment is documented in a letter of permission. Approved off-campus employment is listed on page 3 of the I-20. Both letters and SEVIS-authorized employment have fixed start and end dates each term. Students must obtain a new letter or SEVIS authorization each term. Employment should not continue past the end date on any employment letter or SEVIS authorization. Self-employment is not permitted for F-1 students.

What happens if I fail to comply with F-1 student immigration regulations?

If you fail to comply with the F-1 student immigration regulations, you will be considered “***Out of Status***” by the USCIS. Students who have fallen out of status are ineligible for any kind of student employment; cannot transfer from one U.S. school to another; and may be refused re-admission to the

United States upon attempting to return from a trip abroad. Immigration laws require the university to report status violations to the USCIS via SEVIS. When USCIS receives a report of a status violation, officers investigate the violation and the student may be put into removal proceedings to ask them to depart the U.S.

How do student typically fall out of status?

Students can violate F-1 regulations by doing any one of the following:

- Allowing the form I-20 to expire
- Withdrawing from a course without CIE permission
- Failing to register for *and pay for* a full-time course load
- Receiving a grade of “W” or “L” in a course
- Failing to report a change of address to CIE within 10 days of moving
- Failing to visit CIE to process a transfer or change of academic level
- Working without authorization
- Working past the end date on an employment authorization letter or notation on page 3 of the I-20
- Starting work before the employment authorization has been placed on page 3 of the I-20.

If I fall out of status, how do I regain my F-1 Status?

In cases where the student can document that the status violation was due to circumstances beyond his or her control, the USCIS may consider a petition for **reinstatement** to student status. These petitions are adjudicated by USCIS officers at the Vermont Service Center. CIE advisors can provide additional information about the current filing process for reinstatement. Students also have the option of leaving the U.S. and re-entering the country with a new I-20 to start a new immigration record. Students who choose this option must re-accrue an academic year in valid status to be eligible for OPT and CPT. In some cases, a new visa may be required for students traveling in this circumstance. Please consult the CIE for assistance, since both reinstatement petitions and travel with a new I-20 involve risks. Please note that employment-based violations require students to depart the U.S. and re-enter to return to valid status.

What happens if I work without authorization?

The USCIS **will not** reinstate students who work without proper authorization. Illegal employment in the United States is a serious offense. Do not accept any employment without proper authorization. Always contact the CIE ***before*** seeking ***any type of employment***. Remember to obtain the authorization before starting any work and renew work authorizations **every** term. Students on co-op and CPT who begin work before the notification placed on page 3 of the I-20 must forfeit the job and depart the U.S. and return to valid status.

What happens if I lose my I-20

The form I-20 is a very important immigration document. You should keep your I-20 in a safe place. You should not give your I-20 to anyone except a U.S. Department of State Consular Official, a USCIS Officer or the CIE staff. Do not give the form to your landlord, realtor or bank. If your I-20 becomes lost or stolen, report this fact to the CIE immediately in order to obtain a replacement I-20.

Can I change my major?

Yes; remember to notify the CIE of your major change immediately in order to obtain a new I-20 specifying the correct major.

What happens when I want to travel outside the U.S. and re-enter as an F-1 student?

Students who are maintaining F-1 status need 4 items to re-enter the U.S. after a brief trip abroad:

1. Valid passport
2. Valid F-1 visa sticker in the passport
3. Valid I-20 signed on page 3 by a CIE immigration advisor
4. Proof of Funding (Certification of Finances)

If you are planning a trip outside of the U.S., please visit CIE about 2 weeks before your proposed trip. An immigration advisor will review your documents, verify that you are maintaining valid F-1 status and place a “travel signature” on page 3 of your I-20. If you see that your F-1 visa sticker has expired while you were in the U.S., visit the U.S. embassy in your home country to apply for a new visa sticker while you are outside of the U.S. The visa sticker in your passport must be valid when you are seeking re-entry to the U.S. The sticker may expire while you are in the U.S., and your status will not be jeopardized. However, it must be valid when you are travelling. It is not possible to obtain a new F-1 visa sticker from any agency in the U.S. Due to lengthy processing times at embassies, be sure that the length of your trip will allow you sufficient time to obtain the new visa. Please note that **citizens** of Canada do not need to obtain a visa sticker. Immigrants to Canada who are not yet citizens are required to obtain an F-1 visa sticker.

In some circumstances, it may be possible for you to visit Canada, Mexico and the contiguous islands of the Caribbean even if your F-1 visa sticker has expired. Please see an immigration advisor to discuss **automatic visa revalidation**.

Remember that only the immigration advisors in the CIE can place a travel signature on page 3 of your I-20. Please do not ask professors, deans or other university staff to sign the form I-20 before you travel.

Where should I go if I have other questions regarding my F-1 student status?

This packet contains an overview of the most important aspects of maintaining F-1 status. Please visit CIE any time you have a question about the regulations. The laws are revised on a continuous basis, so it is important for you to read the newsletters distributed by CIE. We send updates to your Suffolk email account and to the U.S. address you have provided to the university.

See an advisor whenever you have an immigration concern. Walk-in advising is available at CIE from 10 am – 2 pm on Mondays and from noon – 4 pm on Tuesdays and Thursdays. CIE is located at 73 Tremont Street on the 6th floor. The Office of International Advising Staff are Tiffanie Pierce and John Hames.

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