

Always work with Immigrations and Naturalization Service through your Foreign Student Advisor, Margie Pascoe or Dean of Students, Paul Beatty. Immigration regulations are not only complex, but are also subject to change. The most recent and accurate information is available at The Student Life Programs Office, Engineering Hall Room #102.

The offices of the Immigration and Naturalization Service (INS) that handle your immigration affairs while attending Montana Tech are:

Immigration & Naturalization Service
U.S. Department of Justice
2800 Skyway Drive
Helena, MT 59601

Immigration & Naturalization Service
U.S. Department of Justice
850 S. Street
Lincoln, NE 68501

Documents

Passport:

It is issued by your government before leaving for the United States. Extension of the passport's validity can be obtained through your Consulate or Embassy in the U.S. **Your passport must be valid at all times during your stay in this country.** If you lose your passport, you should immediately notify Campus Security or the Butte Police Department and file an official report. This report is required by all Embassies before a passport can be replaced.

Visa:

A United States visa, the colored stamp in the passport, is secured outside the U.S. **It is only used to enter the United States.** Most visa stamps are marked "M"; which means multiple entries. Some visa stamps are marked "1"; this means that the bearer of the passport can use the visa to enter the U.S. only one time. To reenter the U.S., a person can leave and reenter the country as many times as wished, as long as the date on the visa is still valid. Many people become worried when they note that the validity date on their visa has expired. **As long as you remain in the United States, the expiration date is not important.**

I-20 AD:

(Certificate of Eligibility for Non-Immigrant (F-1) Student Status). Certifies your eligibility to attend a specific educational institution in the United States. It is required by the U.S. Consulate abroad when you apply for a visa. When you leave temporarily from the U.S. and seek to reenter, use endorsed page 4 of form I-20AB if same information still applies to your program of study. If there is substantial change, use a new I-20AB issued by The Student Life Programs Office. When you apply for transfer to another school, you should first secure an I-20AB issued by the new school. **The admission number is the number on your I-94 card not your Montana Tech admission number.**

I-20 ID:

(Student Copy of I-20 ID). Issued to each entering F-1 student at the port of entry. It carries an admission number which is unique and will belong to the student permanently. The admission number must be recorded and maintained by schools as part of their record-keeping requirements.

Form I-20 I.D. is to be retained by the student at all times and not surrendered upon temporary departure from the U.S., as it will be needed for reentry after a temporary absence. It will accumulate a record of transactions about the student's status, such as extension of stay, school transfers, off-campus work permission, and authorization for practical training.

IAP-66:

(Certificate of Eligibility for Exchange Visitor J-1 Status). Issued by your sponsor and is used for applying for a U.S. visa and to enter or reenter the United States. It must be replaced by a new IAP-66 for extension of stay. When a change of sponsor becomes necessary, the Immigration Service requires that the form be signed by both the former and new sponsoring institution.

I-94:

(Arrival Departure Record). Officially determines how long you are eligible to stay in the United States. It is issued by the Immigration inspector at the U.S. port of entry, and is stapled into your passport.

Maintaining Proper Status

Each student is responsible for keeping his or her immigration status up-to-date. The Foreign Student Advisor will help facilitate these matters.

Duration of Status (D/S)

Duration of status for F-1 students is defined as “the period during which the student is pursuing a full course of studies in one education program or series of educational programs (e.g., bachelor’s or master’s degree), and any periods of practical training plus 60 days in which to depart the United States or apply for a change of status.”

An exchange visitor (J-1) with a D/S on their I-94, is considered to be in valid program status as long as s/he has a valid IAP-66 Form. If the exchange visitor remains in the U.S. beyond the 30-day period following the expiration date of the IAP-66 Form, the exchange visitor is no longer in valid J-1 status.

D/S is always on condition that the passport is valid at all times while in the U.S.

Full Course of Study

To maintain status until “duration of status” a student must carry a full program of study, which is defined as:

Graduate study at a college or university: as defined by the institution and certified by the school official (9 credits or 7 credits for graduate research assistants).

Undergraduate study at a college or university: 12 credit hours per term or its equivalent as defined by the district director, or whatever lesser number of credit hours might be necessary in the student’s final term in a program of study.

A designated school official, Foreign Student Advisor, may advise a student to engage in less than a full course of study for valid academic reasons limited to: English language difficulties; unfamiliarity with American teaching methods or reading requirements; or, improper course level placement. However, the school official’s decision is subject to review and approval by INS.

A student can remain in status if required to reduce or interrupt a full course of study because of illness “or other medical condition,” allowing for accidents, pregnancy, and other medical conditions which are not strictly illnesses.

Extension of Stay

A student who does not complete his or her educational objective by the completion date noted on the I-20 or IAP-66 must apply for program extension to the Foreign Student Advisor (FSA), in a 30-day period before the completion date on the forms. Any F-1 or J-1 student who has continually maintained status and who has a compelling academic or medical reasons for not completing the educational objective by the original date is eligible for Extension of Program. Academic suspension or probation is not an acceptable reason for such extension.

A student or scholar who is unable to complete the educational program within the time period written on the Form I-20 or IAP-66, and who is ineligible for program extension, is considered to be out of status. Under these circumstances, the F-1 student may apply to the Immigration Service, and the J-1 student/scholar to the United States Information Agency, for reinstatement.

A law that went into effect on April 1, 1997, provides that anyone who is “unlawfully present” in the U.S., or violates the terms of his/her non-immigrant visa, will need to apply for a new visa for reentry in the U.S., even if the dates on the current visa stamp remain valid. In addition, the new visa can only be obtained in one’s country of nationality. This ruling applies to anyone who overstays even by one day. A person who has been illegally in the U.S. for six to twelve months, or over twelve months, will be barred from reentry to the U.S. for three and ten years, respectively.

Reinstatement to F-1 Student Status

Request for reinstatement to F-1 student status is made on Form I-539. Application to Extend Time of Temporary Stay (\$75 fee). A student who has overstayed the authorized period of stay or otherwise violated the conditions of student status must make a written request to INS for reinstatement to student status. The request must contain the following elements: (1) evidence that the violation of status resulted from circumstances beyond the student’s control or that failure to receive reinstatement would result in extreme hardship to the student; (2) Form I-20AB issued by the school student is attending (or plans to attend) and the student’s Form I-20ID copy; (3) evidence that the student is attending (or plans to attend) the school which issued the Form I-20AB; (4) evidence that the student has not been employed without authorization and (5) evidence that the student is not deportable on any ground more serious than lapse of student status.

Reinstatement to J-1 Student/Scholar Status

The following are the procedures for requesting reinstatement of an exchange visitor whose Form IAP-66 has expired. The request must be submitted by the program's Responsible Office or Alternate Responsible Officer and must include the following: (1) A copy of all IAP-66 forms issued to the exchange visitor to date. If the exchange visitor was a "transfer", then IAP-66 forms of the previous program(s) are also required; (2) a letter explaining the circumstances which resulted in the exchange visitor's going out-of-status, including a declaration that the exchange visitor has been continuously pursuing the exchange program activity for which s/he was admitted to the U.S.; (3) a new completed IAP-66 form for the exchange visitor (including the green copy); (4) all reinstatement documents should be forwarded to the U.S. Information Agency.

If the Agency determines that reinstatement is warranted, Box 6 of the new IAP-66 Form will be stamped by the Agency to indicate reinstatement was received by the Agency.

Reentry to the U.S. After a Temporary Absence

Before any trip abroad it is best to check with the Foreign Student Advisor to make sure you have all the documents in order. Please don't wait for the last minute to come to the office and don't forget to bring your passport, I-94 and I-20 ID, or IAP-66.

A student/scholar who plans to reenter the U.S. with automatic revalidation of an expired visa (from Canada, Mexico, or adjacent islands except Cuba, after an absence of not more than 30 days) should not surrender Form I-94 upon departing from the U.S., since the student/scholar will need that form (along with a valid passport and an endorsed Form I-20 or IAP-66) for reentry. To reenter the United States after an absence of more than 30 days, or from a country other than Canada, Mexico, or adjacent islands (excluding Cuba), the student/scholar does not need to have retained Form I-94, but must have all of the other documents stated above plus a valid visa.

Some students and scholars may need to apply for a visa to enter Canada. Check with the Student Life Programs Office to determine whether you will need one. The fee for a Canadian visa is \$55 for a single entry. If you plan to visit Mexico, you should contact Mexican consulate in Salt Lake City (801) 521-8502 or Seattle (206) 682-3634 to find out whether you need a visa.

It will not always be necessary to issue a new Form I-20 AB to a student for reentry after a temporary absence from the United States. A properly endorsed page 4 of a previously issued Form I-20 will serve that purpose if there has been no substantive change in the information since that Form I-20 was issued. If there has been any substantive change in that information, a new Form I-20 is required for reentry. Documentary evidence of financial support, in the amount indicated on Form I-20, must always accompany a new Form I-20.

If an F-1 student has transferred or intends to transfer between schools and has been issued an I-20 AB by the new school, the name of the new school does not have to be specified on the student's visa to allow reentry into the United States after a temporary absence. If the student has not completed the process of transfer by notification before leaving the U.S., the inspecting officer will endorse Form I-20 ID, and will send Form I-20 AB to the INS Data Processing Center. The student is required to have a valid F-1 visa and a current Form I-20 or properly endorsed page 4. (A student cannot accomplish a transfer of schools by reentering the U.S. with automatic revalidation of visa.)

An F-1 student who has been granted permission for practical training may be issued Form I-20 AB and may be readmitted to the U.S. for the remainder of the authorized period of practical training indicated on Form I-20- ID copy to continue the authorized practical training. A student may not be readmitted to the United States to begin practical training which was not authorized prior to departure from the U.S.

When you travel inside the United States, you must always carry your I-94 and I-20 ID or IAP-66 forms.

School Transfer for F-1

All transfers are carried out as a reporting procedure by the new school and need not be adjudicated by INS. In order to be eligible for transfer, the student must be a *bona fide* non-immigrant student, must have been maintaining full-time student status at the previous school, must intend to pursue a full course of study at the new school, and must be financially able to attend the new school.

Procedures for school transfer by F-1 visa holders are as follows: (1) The student obtains Form I-20 AB from the school to which he or she wishes to transfer and notifies the school office at the old school of his or her intention to

transfer; (2) The student signs page 1 of Form I-20 and presents it to the school official at the new school not later than 15 days after beginning classes at the new school; (3) The school official at the new school endorses the student's Form I-20 to show the transfer procedures have been completed; adds the name of the school from which the student is transferring to the front page of Form I-20 in item 2c; initials the addition; forwards Form I-20 to the INS processing center within 30 days; ;makes a copy of the Form I-20 to send to the old school noting that the transfer process has been completed; and, returns the updated Form I-20 ID to the student.

Program Transfer for J-1

A transfer from one designated program to another designated program must occur while exchange visitor is in valid program status, i.e., prior to the end date of the current IAP-66 form, or when the exchange visitor completes, graduates, concludes, or terminates the course of study or exchange program, whichever occurs sooner. The Responsible Officer of the receiving institution must verify the exchange visitor's visa status and program eligibility, complete Form IAP-66 and forward that form to the current program sponsor. The signature of the Responsible Officer (Item #8 of the IAP-66) of the exchange visitor's current program sponsor authorizes the transfer to take place. The current program sponsor would then return the completed IAP-66 (intact) to the receiving program sponsor. The receiving program sponsor would then provide the exchange visitor with the "pink" copy of the IAP-66; submit the "yellow" copy to the Agency; and retain the "white" original and "green" copy for the office files.

Employment of F-1 Students

On-Campus Employment

Defined as employment performed on the school's premises (including on-location commercial firms which provide services for students on campus, such as the school bookstore or cafeteria), or at an off-campus location which is educationally-affiliated with the school. Employment with on-site commercial firms, such as a construction company building a school facility, which do not provide direct student services is not considered on-campus employment. In the case of off-campus locations, the educational affiliation must be associated with the school's established curriculum or related to contractually-funded research projects at the post-graduate level. In any event, the employment must be an integral part of the student's educational program. Employment is limited to 20 hours per week while school is in session. An F-1 student may, however, work on-campus full-time when school is not in session or during the annual vacation.

Off Campus Employment

A student may accept off-campus employment only after s/he has been issued an Employment Authorization Document (EAD) by INS. An F-1 student is authorized to work off-campus on a part-time basis after having been in F-1 status for one full academic year provided that he or she is in good academic standing. Part-time off-campus employment is limited to no more than 20 hours per week when school is in session and full-time during holidays or school vacations. The employment authorization is terminated whenever the student fails to maintain status and/or transfers to another school.

An eligible F-1 student may make a request for off-campus employment authorization to the FSA on Forms I-538 and I-765.

Spouse and Children of F-1 Students

F-2 visa holders are not permitted to work.

Practical Training for F-1 Students

Practical training is available to F-1 students who have been lawfully enrolled on a full-time basis for at least nine consecutive months. An eligible student may request authorization for practical training in a position which is directly related to his or her field of study. There are two types of practical training available.

(1) Curricular Practical Training Program

F-1 students may be authorized by the FSA to participate in a curricular practical training program which is an integral part of an established curriculum. Curricular practical training is defined to be alternate work/study, internship, cooperative education, or any other type of required internship or practicum which is offered by sponsoring employers through cooperative agreements with the school. Exceptions to the nine-months in-status requirement are provided for students enrolled in graduate studies which require immediate participation in curricular practical training.

A request for authorization for curricular practical training must be made to the DSO on Form I-538, with supporting documentation. Students who have received one year or more of full-time curricular practical training are ineligible for optional practical training.

(2) Optional Practical Training

Authorization for optional practical training before and after completion of studies may be granted for a maximum of 12 months. An F-1 student may be authorized to engage in optional practical training only once for the duration of student status.

A student may request recommendation for optional practical training during a 120-day period which begins 60 days before and ends 60 days after the completion of the course of study. The request is made to the FSA on Form I-538, accompanied by his or her current I-20 ID.

A student may not accept employment until he or she has been issued an Employment Authorization Document (EAD) by the Immigration Service. The student must apply for the EAD on Form I-765 at the INS office having jurisdiction over his or her place of residence. The application for employment authorization must include, in addition to a completed I-765, the required fee, and the FSA'S recommendation for practical training on the I-20 ID.

An F-1 student who has been granted practical training permission by INS may return to the United States after a temporary absence. He or she must have an unexpired EAD card an I-20ID endorsed for reentry by the FSA within the last six months.

EMPLOYMENT FOR J-1 Scholars/Students

J-1 Scholars

Permission for a scholar to undertake employment outside the program is granted only if the employment is incidental to the exchange visitor's primary program activity. A Responsible Officer can authorize professors and research scholars to engage in occasional lectures, seminars, or consultations at locations not listed on the IAP-66, if the activities are related to the objective of the exchange visitor's program participation.

J-1 Students

J-1 student employment is limited to 20 hours per week, except during school breaks and vacation, unless authorized by the Responsible Officer for economic necessity.

There are two types of employment authorizations available for students on the J-visa: student employment and academic training. The difference between the two is that student employment occurs on-campus unless there is economic necessity; and, academic training is related to the student's field of study and in most cases occurs off-campus and for a specified period of time.

Spouses and Children of J-1 Visa Holders

J-2 visa holders (spouses and children of J-1 students/scholars) may work only with permission from INS and must show evidence of financial need for themselves alone.

School Record Keeping and Reporting Documents

Schools are required to keep records and documents relating to each student while the student is attending school. Schools must make available to any INS officer upon request information from those records and documents. These are:

1. Name
2. Date and place of birth
3. Country of citizenship
4. Address
5. Status (i.e., full-time or part-time)
6. Date of commencement of studies
7. Degree program and field of study

8. Whether the student has certified for practical training and the beginning and ending dates of certification
9. Termination date and reason, if known
10. Documents which establish eligibility for F-1 status
11. The number of credits completed each semester
12. A photocopy of the student's form I-20 ID and I-94

J-1 and Their Dependents

J-1 students or scholars who wish to bring dependents to the United States must obtain from their program sponsor a new Form IAP-66 issued for that purpose.

Access to adequate health care for exchange visitors and their families is a major concern for sponsors. To ensure such access, the U.S. government has made health insurance a requirement for participation in the program. Minimum coverage must provide \$50,000 per accident or illness; at least \$10,000 for medical evacuation to the home country; at least \$7,500 for repatriation of remains; and a deductible not to exceed \$500 per accident or illness.

J Visa and the Two-Year Home Residence Requirement

Exchange visitors who enter the United States on a J visa may be subject to the two-year home residence requirement for one or more of the following reasons:

- They received funding from the United States Government, their own government, or an international organization in connection with their participation in the Exchange Visitor Program;
- The education, skill or training they are pursuing in this country appears on the Exchange Visitor Skills List for their country;
- They acquired J-1 status on or after January 10, 1977 for the purpose of receiving graduate medical education or training.

Exchange visitors who are subject to this requirement may, under certain circumstances, apply for a waiver of that requirement from INS, after the request has been reviewed and approved by USIA.

Notice

Do not accept employment unless you have a properly authorized work permit. INS strictly enforces employment regulations. People on non-immigrant visas who are detected as working without proper authorization are required to leave the United States.