

## About the US Visas

In order to enter the US you will need a visa. There are lots of visas available, some of them allow you to work, but most of them don't. The following is a list of the main visa types:

Visa code	Visa type	Description
A-1 A-2	Foreign Government Officials	
B-1 B-2	Visitors	Business and tourist visitors.
C	Transits	
D	Crewmen	
E-1	Treaty Trader Visa	Owners and key employees of businesses which conduct a substantial volume of trade between the U.S. and the home country are eligible to apply for visas as treaty traders (E-1).
E-2	Treaty Investor Visa	Those who invest a substantial amount of capital in the U.S. and help to create jobs for U.S. workers are referred to as treaty investors (E- 2). To qualify, the home country must have a treaty with the U.S.
G-1 G-2 G-4	The Representatives to International Organizations Visas	For representatives of international organizations and their accompanying spouse and/or children only.
F-1 F-2	The Student Visas for academic and language programs F-1 for Student F-2 for Dependents (spouse and Children)	To be eligible for this temporary, non-immigrant visa, you must apply to an accredited college or university, or an institution that provides language training, the fine arts or the professions. F-2 are not allowed to work in the USA
H-1A H-1B H-2A H-2B H-3	Temporary Employees Visas (Worker visas)	For the temporary training of certain types of employees by their employers and for certain types of temporary work.
I	Representatives of Information Media	
J-1 J-2	<b>Educational and cultural exchange visa:</b> is designed to promote the interchange of people, knowledge and skills in the fields of education, sciences and the arts. Participants include students' at all academic levels; people coming to on-the-job training with firms, which allows work with certain limitations. J-2 = (dependents including spouse and Children). J-2 is allowed to work with USCIS Authorization	
K	Fiancées of United States Citizens	

<b>L-1A</b> <b>L-1B</b>	Intra-company Transferees: Executives, managers or persons with specialized knowledge employed in a company abroad, may transfer to the U.S. branch, affiliate or subsidiary to assume a similar position.	
<b>M-1</b> <b>M-2</b>	Students in established vocational or other recognized nonacademic institutions, other than in language training programs. To be eligible for this temporary, non-immigrant visa, you must apply to a community college that provides technical training and awards associate degrees; a trade school; or a school other than language training.	
<b>N</b>	Certain parents and children of section 101(a)(27)(I) special immigrants	
<b>O-1</b> <b>O-2</b> <b>O-3</b>	The Aliens of Extraordinary Ability or Achievement Visas	For persons who have extraordinary ability in the sciences, arts, education, business, or athletics, or who have a demonstrated record of extraordinary achievement in the motion picture or television industry, and their accompanying spouse and/or children.
<b>P-1</b> <b>P-2</b> <b>P-3</b> <b>P-4</b>	The Artist, Athlete and Entertainer Visas	For non-immigrant aliens coming to the US to perform as an artist or entertainer under a reciprocal exchange program, or to perform, teach or coach under a program that is culturally unique.
<b>Q</b>	International Cultural Exchange Visitor	
<b>R</b>	Religious Workers	
<b>NATO-1, 2, 3, 4, 5, 6, 7</b>	NATO Nonimmigrant Aliens	

If you are a Mission Student (Full Mission, Joint Supervision, or Post Doctorate) you are eligible for J-1 Visa only; if you are a Self Financed student, even under the supervision of Missions Department, you are eligible for F-1 Visa.

### *Main Differences between F-1 and J-1 Visa*

<b>Difference Point</b>	<b>F-1</b>	<b>J-1</b>
Dependent (spouse and Children) Visa Type	F-2	J-2
<b>2Year Home Residency</b> You have to Stay in your home country for 2 years after you finish your program before you would be able to enter the USA again	NO	Yes
Dependent ( spouse) ability to work	NO	Yes
Optional Practical Training after finishing your program	12 months	18 months

## **Visa and Immigration Regulations**

Listed below are some general requirements for all non-immigrants:

- Non-immigrants enter the U.S. for a temporary period of time and are restricted to the activity consistent with their visas. The most important documents in their possession are the passport, the Form I-94, and their particular immigration document (I-20, DS-2019, H, O, or TN approval notice). These documents should be kept in a safe place where they can be accessed, if needed.
- Generally, non-immigrants must demonstrate that their stay in the U.S. is temporary.
- Non-immigrants must maintain a valid passport.
- Non-immigrants cannot hold more than one nonimmigrant status at a time.
- Non-immigrants must be participating in activities that are consistent with the specific immigration status they currently hold.

### *Visa*

A visa is a multicolored stamp placed on one of the passport pages by the U.S. Embassy or Consulate which gives permission to enter the U.S. at the port-of-entry (POE). The visa is presented along with the appropriate document (i.e., I-20, DS-2019, H approval notice, etc.) to an immigration officer. At the inspection, the immigration officer marks the immigration status on the Form I-94

(Arrival/Departure Record). Once admitted to the U.S., non-immigrants are not required to maintain a valid visa stamp.

### **Immigration Status**

Immigration Status refers to an individual's immigration status while in the U.S. Each immigration status has specific conditions and limitations under which a person may remain in the U.S.

### **Duration of Status (D/S)**

Duration of Status (D/S) is defined by the BCIS (Bureau of Citizenship and Immigration Services) as that period in which an F-1 student “is pursuing a full course of study at an educational institution approved by BCIS for attendance by foreign students, or engaging in authorized practical training following completion of studies, plus 60 days to prepare for departure from the U.S.”

J-1 exchange visitors are also admitted with the “D/S” notation and may remain in the U.S. as long as they maintain J-1 status until the ending date on the form DS-2019 plus 30 days.

### **Important Documents**

- **Passport**

Students and scholars should always keep their passport in a safe place. Most passports are valid for a limited period of time. The law requires that all non-immigrants maintain a passport valid for at least six (6) months into the future. It is the responsibility of students and scholars to remember when their passport will expire and contact their home country Consulate or Embassy for the extension.

- **I-94 (Arrival/Departure Record)**

The Form I-94 is the small white card that is issued at the port-of-entry (POE) into the United States. The eleven-digit number listed in the upper left-hand corner on the I-94 card is known as the admission or entry number. This is an identification number with the Immigration and Naturalization Service. The I-94 shows the individual's immigration classification and endorsements made by the immigration officer to indicate the date and place of admission to the United States and the initial period of authorized stay.

- **DS-2019: Certificate of Eligibility for Exchange Visitor**
- **I-20: Certificate of Eligibility for Nonimmigrant (F-1/F-2/M-1/M-2) Student**
- **I-797: INS Notice of Action indicating approval of a specific immigration status.**

## **J-1 Scholar Immigration Issues**

The basic immigration information described in the following paragraphs applies specifically to J-1 Scholar status.

- **Maintaining J-1 Scholar Status**

To maintain J-1 scholar status, participants must adhere to the following conditions:

1. Engage only in activities permitted under the program and the category (refer to Sections #2 and #5 on form DS-2019).
2. File timely and appropriate transfer and extension notifications.
3. Refrain from unauthorized employment.
4. Maintain required health insurance coverage.

- **Limitations of Stay and Extensions**

The form DS-2019 may be issued to a J-1 scholar initially for the period of the exchange up to a maximum of three years. Further extensions may only be granted under rare and extenuating circumstances. The Department of State must approve these extensions.

Permission to stay in the United States expires 30 days after the date shown on item #3 of your Form DS-2019. The Office of International Education at your university will contact departments approximately 90 days prior to an Exchange Visitor's expiration date. The department will update the form with the requested scholar information and forward to the office for processing. The office will inform the scholar when the new DS-2019 form is ready. Scholars will need to come to office with their passport to endorse the extension paperwork.

- **Employment**

Professors and researchers are permitted to engage in the employment specific to the terms stated on the Form DS-2019 and may engage in additional employment (see Incidental Employment) as authorized by the sponsor. However, an exchange visitor who engages in unauthorized employment violates his or her program status and is subject to termination as an exchange visitor participant.

- **Incidental Employment**

Research Scholars may participate in occasional lectures and short-term consultations. These lectures and consultations must be directly related to the scholar's program, must be incidental to the primary program activities, and must not delay completion of the program. To obtain permission to engage in incidental

employment, scholars must present the following to the office of International Affairs:

1. A letter from the person offering the short-term consultation or lecture stating the terms and conditions of the offer, including the duration, number of hours, field or subject, amount of compensation, and description of the activity; and
2. A letter from the department supervisor recommending this activity and explaining how it would enhance the scholar's program.

### **Employment for J-2 Dependents**

Steps for a J-2 to apply for work authorization:

1. Complete Form I-765 and prepare a letter stating why the employment is desired, indicating the source and amount of support for the J-1 principal participant, and specifically stating that the income derived from employment will not be used for the support of the J-1 Exchange Visitor.
2. Submit the Form I-765 (with fee), photocopy of the J-1 principal's Form I-94, photocopy of the J-2's Form I-94, photocopy of the J-1 principal's Form DS-2019, to the BCIS Service Center having jurisdiction over your state.
3. Obtain 2 immigrant-styled photographs.

### **F-1/J-1 Student Status**

In order to remain in the United States legally and to participate in the benefits of the F and J programs, students must strive to "maintain their status." As such, students must follow the regulations of their F-1/J-1 program in order to be eligible for the benefits available under the regulations.

- **Ten Easy Steps to Maintaining Student Status:**

1. The student must have a valid passport at all times.
2. The student must attend the school, which they are authorized to attend. Students that obtain a visa for another school and enter the U.S. on that school's Form I-20/DS-2019, must attend that school for at least one term before they are eligible to transfer.
3. Carry a full course load.

#### **Semester System:**

Graduate 9 hours per semester

Undergraduate 12 hours per semester

4. Students must notify the Foreign Student Advisor if they are unable to complete the degree program by the completion date specified on the I-20 or DS-2019.
5. Students must notify the Foreign Student Advisor if they change from one educational level to another (e.g., bachelor's to master's degree).
6. Students must notify the Foreign Student Advisor if they intend to transfer to another school.

7. Students are limited to 20 hours per week of on-campus employment while school is in session. During breaks and annual vacation students may work full-time on-campus.
8. DO NOT work off-campus without the proper authorization by the BCIS or the Foreign Student Advisor.
9. Students can only study for one on-line or distance learning.
10. Students must change their address within 10 days of moving with the ISSS office and BCIS.

### **Maintaining a Full Course of Study**

F-1 and J-1 students must enroll full-time as required by the regulations set forth by the BCIS. This includes a requirement that all international students in F-1/J-1 status attend as full-time students for one academic year before being eligible for annual leave (vacation). The following are lawful reasons for less than full-time enrollment:

- Initial difficulties with the English language
- Initial difficulties with the U.S. academic system
- Improper course level placement
- Preparing for comprehensive examinations
- Doing thesis/dissertation research
- Documented medical reasons

Note: Financial difficulties or poor academic performance are not valid reasons for dropping below full time.

### **Extensions of Stay**

Extension of the immigration documents must be filed within thirty days of the expiration date of the I-20/DS-2019. The expiration dates are located in item 5 of the Form I-20 and in item 4 of the Form DS-2019.

To process an extension, students need to obtain an extension form from the Office of International Affairs to be completed by their academic advisor. Additionally, new proof of funding will be necessary. Students funded by the university will need an updated letter explaining the assistantship or scholarship. Students that are supported by personal or family funding are required to provide an updated bank statement or affidavit of financial support. Anyone receiving funding from a sponsoring organization will need to obtain a current letter of support. This extension must be done prior to the expiration of the current document or the student will be considered out-of-status.

### **Travel outside the United States**

F-1 and J-1 students who plan on traveling outside the U.S. should consult with the Foreign Student Advisor before making travel arrangements. Students complete a

form requesting a travel letter. Students needing to apply for a new visa for reentry will need a new I-20 or DS-2019. These students will also need to take their transcript, a letter verifying good standing with the university, and financial verification. Discuss plans for travel with the Foreign Student Advisor at least two weeks prior to the planned departure.

### **Employment Opportunities for F-1 Students**

- **On-Campus Employment**

A student in valid F-1 status is entitled to work 20 hours per week on-campus. On-campus employment is limited to positions that provide services to the university. In most situations, graduate students that receive assistantships are working the maximum 20-hour per week limit. An additional benefit attached to on-campus employment is the ability to work 40 hours per week during breaks and annual vacation. Please consult with the Foreign Student Advisor before accepting a position in order to verify eligibility.

- **Off-Campus Employment Authorization**

There are three types of off-campus employment authorization available after a student has been enrolled full-time for an academic year (nine months).

#### *1. Economic Hardship*

F-1 students are eligible for off-campus employment if unforeseen circumstances beyond the student's control occur. An unforeseen circumstance is defined as any situation that seriously alters a student's financial condition. According to BCIS, the following scenarios are examples of possible unforeseen circumstances that may qualify for employment based upon economic hardship:

- Loss of financial assistance or on-campus employment without fault of the student
- Substantial fluctuations in the value of currency or exchange rate
- Inordinate increases in tuition and/or living expenses
- Unexpected changes in the financial condition of the student's source of support
- Any unexpected expenses such as medical bills

If approved, the BCIS will issue a work card valid for one year. This card may be renewed provided that the student remains in good academic standing and maintains their immigration status. The student must also provide proof of continued economic need.

## 2. Curricular Practical Training

Curricular Practical Training (CPT) is available to students after they have been in F-1 status for a full academic year. Graduate Students may be immediately eligible for CPT if the graduate curriculum requires an internship. This type of employment is designed to provide students with hands-on experience to augment their academic program while still in school. Internships or course practicum requirements may be authorized under this type of employment. The off-campus employment must be directly related to the program of study and recommended as an integral part of the academic program. This employment opportunity is limited to twelve months of authorization for full-time employment. For further details contact the Foreign Student Advisor.

## 3. Optional Practical Training

Optional Practical Training (OPT) is a benefit available to students following completion of their coursework requirements. OPT is limited to twelve months of full-time employment. Most students apply for OPT following completion of their degree. Graduate students who have completed their coursework and who are still working on their thesis/dissertation are eligible to apply. It is optional to apply for this employment authorization for work during annual vacation, but students should take note that this period of employment will be subtracted from the 12-month limit.

NOTE: Students may not begin employment until the BCIS has issued their Employment Authorization Card (EAC).

## Employment Opportunities for J-1 Students

There are two types of J-1 student employment authorization. All employment for J-1 students requires approval in writing from the J-1 Responsible Officer prior to beginning employment.

### 1. Student Employment

#### *On-Campus:*

J-1 student employment is limited to 20 hours per week except during school breaks and annual vacation. The J-1 Responsible Officer can approve the employment in increments of 12 months.

#### *Off-Campus:*

Students may obtain approval to work off-campus by the J-1 Responsible Officer when “necessary because of serious, urgent, and unforeseen economic circumstances” that have arisen since the student’s arrival in the U.S. as an Exchange Visitor, or since their change, inside the country, to J-1 status.

## 2. *Academic Training*

Academic training is employment in the field of the student's academic program. Academic training can be taken part-time during the program of study or full-time during vacation periods. Academic training used during the program of study will be subtracted from the post-graduate academic training. Academic training is limited to 18 months or the time that the student has been in student status, whichever is shorter. However, if the student receives a doctorate degree, they may be eligible for 36 months of postdoctoral training minus any academic training time used before the degree was awarded. This authorization will be granted in two 18-month increments.