



An F-1 Visa Primer in Changing Times

by Heidi Russell-Kalkofen

There is change in the air for many things and especially for issues that touch immigration regulations. To change an actual regulation would be a very large task, so the underlying regulations will likely stay in place for the time being. The interpretation or operating procedures and operating instructions that the USCIS (the United States Citizenship and Immigration Services) and the SEVP (Student and Exchange Visitor Program) and the Department of State use can change and will be key in determining how students actually experience these regulations. I see two potential changes for students on the horizon. One will be the frequency with which students travel back to their home countries, which I expect to diminish as their concerns with renewing visas grows. The other regards their goals to earn income and gain experience, objectives which they used to be able to address through part-time work opportunities in F-1 status. That is one area in which there may be changes in the regulations that will curtail their ability to get off-campus employment and experience in their fields. They will need the guidance of faculty and advisers to make the most of their Academic Program time as the expense of an elongated program will become more crucial when they have no possibility of contributing to their expenses. In addition, faculty's ability to help them improve their conversation skills and their confidence, and to make the connections that they want for future business endeavors, will become more essential because they will have fewer outside opportunities to do this.

The basic regulations that affect F-1 students are pretty easy to outline. The government has some specific areas of concern that the regulations are designed to assist with.

1. **The general legality of the student in the United States and outside of their country.** This means that students need to keep their passport valid whenever they are in the United States and if they present themselves for entry into the United States, their passport needs to be valid at least 6 months into the future. Some countries will renew or extend a passport in one day and others will require sending it all the way back to a home country, which may take three to five months to complete. I encourage students to make sure that they know what their Consulate or Embassy will do.
2. **The ability of the U.S. Government to find and communicate with the student.** There are increasing opportunities for students (and others) to self-report information, but most of this responsibility for students currently rests with their schools. F-1 students must keep their physical addresses up to date and report any move within 10 days. New regulations from December 2016 also require email addresses and phone numbers (or a specific statement that the student has no phone).

3. **“Maintaining status” in the United States.** This is tracked through the form I-20. That form is called the “Certificate of Eligibility.” It is created in a government database by the first school that a student is going to attend. If students transfer, the access to the database is passed from school to school to add the new school’s information so that the students’ record is complete (no matter how many schools or programs they attend). The form itself is kept up to date by the school by reporting if the student is enrolled full time and how to contact them, and by verifying that they have not violated their status in any other way (for example, by working illegally – if the school knows for certain). The I-20 system keeps track of all of their authorizations and all of their special requests. Those may include being allowed to enroll below full time for medical reasons or other very limited reasons. The system keeps track of the student’s program, major and length of study. The other main area tracked is finances, which includes what the estimated costs are for students to study and live while they're in the United States and how they are being funded. Students must carry a physical printout of the I-20 record. However, because data can change and because these changes may not be reflected on that physical printout, this document may become out of date. It is important for the students to be aware of what happens if any of the information on the I-20, or any of their contact information, changes.

For students to keep status they need to be enrolled full time during each regular term. For many colleges and universities, those are the fall and spring semesters, but that will vary depending on the institution. The standard for academic institutions is 12 credits. In addition to full-time enrollment, students must make normal progress toward completion of their Academic Program¹. This means not having a pattern of repeating classes or of taking mostly classes completely unrelated to their major.

The other central component of F-1 status is connected with work authorization. F-1 students are legally permitted to work on their institution’s campus in positions that directly interface with or benefit students. Because they do not qualify for federal work-study money, they can then only take positions that are funded directly by the institution or through grants that come to the institution and are not earmarked for U.S. Citizens and permanent residents. (The same is true, by the way, for financial aid and scholarships: only those privately-funded monies that are not connected to federal funds or limited to US citizens/permanent residents are available for F-1 students to apply for).

Off-campus work authorization is very specifically limited and only authorized in conjunction with the DSO, or Designated School Official, who maintains the I-20 record for the US government, so students MUST start any employment process with their DSO. There are four types of work authorization currently². Two types of work authorization are for “practical training” in a student’s academic field and directly connected to their area of study. This area was mentioned specifically in the January 27th Executive Order, so there may be sweeping changes to this. Currently, one authorization is “curricular” and must be connected specifically

to the curriculum. Until now, those regulations have allowed the institution to dictate who is responsible for making this determination, but we expect in the near future more specific direction and regulation to come from the government. The second type is “optional,” intended for students to augment their studies. Students know this as OPT or Optional Practical Training³.

The other two types of off-campus employment are working with an International Organization and employment based on Severe Economic Hardship. Designated International Organizations have no home country - like the World Bank or the United Nations. Students who obtain internships with these organizations can be given the ability to work in the United States for that organization only. This is very rare, and I have found that most students who get a job with one of those organizations end up having their status or visa-type changed to become International Organization employees. We may still see them in our classrooms, as they are often allowed by their employers to continue studying, but they are no longer F-1s. Severe Economic Hardship is important to know about but difficult to navigate. It is designed for circumstances beyond the student’s control and that were unforeseen. It requires a high level of proof on the part of the student. It often takes three to five months for approval. The fee has gone up, so it is now \$495 to apply. This status is granted in increments of no more than one year. It is designed for situations in which a student’s sponsor dies or loses their business. It is often used when there is a banking crisis in a country that is expected to be temporary. It is sometimes approved if a student’s sponsor has experienced some significant life change like an illness or a layoff. Logistically, a student cannot actually continue going to school full-time and earn enough for all of their expenses, so they do need to have some partial support from somewhere in order for this to be workable.

Finally, we come to the issues of travel signatures, registration, and payment. A DSO must sign an I-20 for a student to enter the US. If a student leaves the U.S., the DSO signs “under penalty of perjury” to guarantee the U.S. government that a student will return to the United States to undertake full-time study when they get back. Because of the drop/delete policies at my institution, we require that students register and pay or sign up for a payment plan for their courses if they are traveling in between semesters. We will not sign for them to travel and return into the United States unless we see that this has been taken care of.

Travel time represents an opportunity for us to talk to many of our students. We appreciate seeing and knowing them and look forward to those interactions. In addition, with the current uncertainty, we are seeing students more frequently in general. I always hope to help them stay calm and focused on their studies, but I know we must be vigilant to help them keep their status, too. Faculty are the ones with the closest relationships to students. They look up to their instructors and, we hope, are willing to share small problems so they can be addressed before they become big enough to affect their studies, their legal status, and their lives. We need to partner together to help our students succeed!

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Notes

1. At Montgomery College, the community college where I work, we usually issue I-20s for a degree program, so we track normal progress toward graduation. New regulations effective fall 2017 will require us to separately specify our English for Academic Purposes (EAP) program as a separate non-degree program. We will need to come up with a program length so that we can track if students are making normal progress toward completion of that program.
2. In prior times of crisis in certain countries, the U.S. government expanded some of the work authorizations for F-1 students from those countries usually in anticipation of creating a temporary protected status designation for them. There are no specific authorizations at this time
3. OPT currently allows students up to a 12 month full time employment opportunity that students must have verified is directly related to their academic field. (For example, a student cannot study engineering and then go work for McDonald's - unless they are designing the new deep fryer equipment for the retail locations or using engineering in some other specific way).



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