

Faculty Guide to Advising International Students

Mission Statement (from catalog)

Eastern Illinois University offers superior yet accessible undergraduate and graduate education. Students learn the methods and outcomes of free inquiry in the arts, sciences, humanities, and professions, guided by a faculty known for its commitment to teaching, research/creative activity, and service. The University community strives to create an educational and cultural environment in which students refine their abilities to reason and to communicate clearly so as to become responsible citizens in a diverse world.

(Welcome from IP website)

International students at Eastern currently represent over fifty countries throughout the world. International Programs' role is to promote a climate of multi-cultural awareness on campus and in the surrounding area. We hope to fully integrate international students into the international and American communities by giving them all the special assistance necessary to cope with daily life on a personal and academic level.

We have an International Programs Advisory Committee made up of faculty who themselves have extensive experience living, teaching, and studying abroad. The purpose of this committee is to advise International Programs on all issues concerning program development, Study Abroad, and international students and faculty.

International Programs at Eastern Illinois University seeks to ensure that our sizable international student population receives a quality, comprehensive education while partaking of an enjoyable and enriching introduction to American culture and society. We expect American students all over campus will come into daily contact with international students in classes, dormitories, and social events to share and exchange knowledge and insights about their respective countries. We encourage a large number of Eastern faculty and students to travel abroad each year to speak other languages, learn about new cultures and lifestyles, and make lifelong friends. Eastern Illinois University is committed to acquiring a world-wide reputation as a university where international students are welcomed, where diversity is respected, and whose faculty and students view themselves as citizens of the world.

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SEVIS

The implementation of the Department of Homeland Security's Student and Exchange Visitor Information System (SEVIS), has radically altered the environment for international students and scholars in the United States. The impact reaches far beyond the student or scholar's interaction with government officials; every campus engaged in international education must adjust to the restrictions imposed by this national database. SEVIS has become shorthand for the surge of regulatory and policy changes aimed at international education in particular and nonimmigrants in general since the tragic events of September 11, 2001. There were many flaws in the old system with regard to the government's ability to keep records of and respond to applications from nonimmigrants. Although some of the policies and practices are not new ideas, the implementation was delayed for lack of funds and the relatively low priority placed on monitoring foreign nationals prior to the attack.

In a massive re-structuring of government services, the agency formerly known as the Immigration and Naturalization Service (INS) under the Department of Justice has been

moved to the Department of Homeland Security (DHS) and is now housed in three separate bureaus. Customs and Border Protection (CBP) is in charge of the ports of entry, which would be the primary contact a student would have with DHS. Immigration and Customs Enforcement (ICE), the policing division, is responsible for the SEVIS database. United States Citizenship and Immigration Services (USCIS) handles applications for benefits, which include off-campus work authorization for F-1 students. To simplify references for the purpose of this publication, "DHS" is used to refer to these three bureaus.

The most important element to grasp with regard to SEVIS is that the modicum of discretion that was allowed under the old system has evaporated. Working in a government database sets real-time parameters that do not allow for spontaneous or changing behavior, much less any negotiation on deadlines. It is essential that faculty and staff working with international students keep this in mind when IP requests information for routine and exceptional matters.

Now more than ever, the role of advocacy for international students at all levels is vital. IP works to fulfill that role in many ways. Your support and interest in working with international students is a meaningful contribution towards promoting international education.

Background

Eastern Illinois University hosts a population of international students in the United States. In the last several years, nearly 170 students from 50 countries have studied annually in every school and division of the university. This guide highlights the special concerns of students from other countries as well as the academic department's role in facilitating international students' legal stay in the United States.

We hope faculty will find this guide useful when advising international students about their academic careers. Although international students enjoy some of the same rights and benefits as their American peers, some of these are superseded by federal regulations. It is imperative that faculty be familiar with the content of this guide to ensure that international students remain in compliance with the law, especially in this restrictive environment of increased monitoring.

International Programs

International Programs coordinates services for international students, scholars, and their dependents and serves as a referral source to university offices and academic departments. IP provides direct support with employment, immigration, personal, family, cross-cultural, financial, health care and insurance matters. IP maintains the records of F-1 and J-1 students, scholars, and their dependents in the SEVIS database on behalf of Eastern Illinois University.

Advice on immigration includes general information on students' rights and responsibilities as well as assistance with procedures required for school transfer, extensions of stay, work permission, and practical training experiences. IP staff serve as

representatives and advocates for international students in dealings with U.S. and foreign government agencies, other campus offices and departments, and the community. Students are now required to maintain close ties with IP throughout their stay at EIU as SEVIS regulations have placed institutions' "designated school officials" - IP staff - squarely in the middle of the academic advising process, as outlined below. Open Monday through Friday from 8:00 a.m. to 4:30 p.m., the office is located at 1116 Booth Library, telephone 581-2321, fax 581-7207, interntl@eiu.edu, www.eiu.edu/~interntl

Immigration Overview

Throughout this publication the term "international" students refers to "foreign" or "nonimmigrant," that is, individuals who are in the United States for the purpose of full-time study and who have a permanent residence abroad they have no intention of abandoning. At EIU, most international students are classified by the Department of Homeland Security as F-1 students, while a smaller number are here in J-1 status because they are participating in an exchange program. In addition, it is not uncommon to encounter students who are studying at EIU in other nonimmigrant classifications. There are nineteen primary classifications, most of which have one to three derivative classifications, all defined by the purpose for which the individual is in the United States. The child of an ambassador (A-1) or the spouse of a professional worker (H-4), for example, may choose to study, but unlike the F-1 or J-1 student, is not required to do so and therefore is not subject to the regulations explained in this publication. However, certain nonimmigrants are prohibited from full-time study, including those in tourist (B-1, B-2, WT) and student-dependent (F-2) status. A glossary of commonly used immigration terms and an explanation of how an individual obtains a student visa and status are included as appendices A and B. Defined terms are in bold print the first time they appear in the text.

International Students' Rights and Responsibilities in the United States

Traditionally, international students in the United States benefit from constitutional protection similar to citizens and permanent residents, such as freedom of speech, freedom of assembly, and protection from unreasonable searches and seizures. Given the increased surveillance and vigilance of potential security concerns by federal, state, and local governments and several provisions of the USA PATRIOT Act, however, situations may arise where international students experience a restriction or suspension of these rights. Students are encouraged to consult IP for current guidance and legal resources. Immigration laws regulate many aspects of international students' lives, including entry to the United States, the conditions under which they may remain in this country and re-enter after traveling abroad, and eligibility for immigration benefits such as employment or change of status. Compliance with immigration regulations is expected by the federal government and failure to do so may result in severe sanctions, including deportation and bar from return to the U.S. for several years. Students must stay in communication with IP to ensure that they fully understand and comply with federal regulations.

To maintain legal F-1 or J-1 status in the United States, international students must report to IP with passport, EIU issued I-20 or DS-2019, and form I-94 upon first arrival at EIU to verify their presence and ensure that these documents have been properly processed.

- ✚ register for and complete a full-time course load each semester. Any and all exceptions to this, whether for academic, medical or personal reasons, must be documented and approved by IP prior to finalizing registration and within one week of the beginning of classes for academic reasons.
- ✚ obtain written authorization from IP or the DHS as required before engaging in any employment on or off campus.
- ✚ keep their passports valid at all times.
- ✚ notify IP immediately of a lost or stolen I-20, DS-2019, or passport.
- ✚ report to IP any change of address within ten days of the move.
- ✚ file a federal income tax form for every year present in the United States. This includes students with no income and F-2 and J-2 dependents. The annual deadline to file is April 15.
- ✚ contact IP before transferring schools, taking a leave of absence, changing academic programs, traveling outside the U.S., or extending the period of stay.

Full-Time Study

With only a few exceptions prescribed by federal law, full-time study is mandatory for all international students in the United States. Any and all exceptions to full-time status, including those listed below, must be approved within the first week of classes by IP to protect the student's immigration status. Even exceptions that seem routine require approval. Part-time study is permitted for

- ✚ a new student who was improperly placed in an advanced level course. (Prior IP authorization is required.)
- ✚ a student who is in the final semester prior to program completion and needs less than a full-time course load to finish the academic program on time. (Prior IP authorization is required.)
- ✚ a graduate student who is working the equivalent of full-time enrollment on a final project, thesis, or dissertation. (The school or department must give the student full-time equivalency.)

To determine the student's eligibility for the full-time enrollment exception, IP routinely requests the department to document in writing the circumstances prior to the beginning of the semester for continuing students and within the first week of classes for new students. The appropriate academic official may write a letter or complete an IP part-time enrollment approval form, available at:

<http://www.eiu.edu/%7Einterntl/PartTimeEnrollmentForm.pdf>

Academic Probation

In addition to maintaining full-time enrollment, international students must also make "satisfactory progress" toward completion of the academic program. Students who do not

complete their studies on schedule because they have been placed on academic probation or suspended are not eligible for extension of their student status. To assist students who are experiencing academic problems, departments should notify IP, either on a case-by-case basis or once a semester, of any students placed on probation.

Personal and Medical Leaves of Absence

An F-1 or J-1 student on a personal leave of absence may not remain in the United States. When approving a leave of absence, the appropriate department or school official must notify IP and the student must depart the United States immediately.

Students requiring a leave of absence or permission to take less than a full course load for medical reasons are eligible to stay in the United States, subject to conditions set forth by the DHS in accordance with information provided by a physician. The federal government will not allow a medical leave of absence to exceed an aggregate of twelve months. An international student on a full or partial medical leave, whether on physical or psychological grounds, must notify and receive the approval of IP to remain in the U.S. IP involvement is also required to facilitate the student's resumption of study following a medical leave of absence. Students taking a leave for psychological reasons must be evaluated by the University Counseling Service prior to commencing a leave and will be required to obtain permission from UCS before returning to enroll at EIU.

The Academic Department and the IP

As a member of an EIU academic department, you may be asked to confirm to IP in writing certain aspects of a student's academic status. Students may request that you explain why they need more time to complete their studies or why they should take a reduced course load, confirm the date by which they are expected to complete their studies, or recommend them for an employment experience related to their field of study. The forms and letters you are asked to complete by IP are not arbitrary; they are designed to keep both the university and the student in compliance with immigration regulations.

Only IP officials are authorized to issue, sign, and update immigration documents for international students. Sometimes students confuse their academic advisor with their IP advisor. Please do not complete any government form for any international student. Should you be uncertain about what is being asked of you, contact IP directly.

If an international student suddenly stops attending classes or drops out, it is critical that the department notify IP immediately. IP will follow up to ensure the student is safe and is aware of the immigration regulations governing international students.

Employment

F-1 students are eligible to work on campus "incident to status" and no written authorization is required. By U.S. Department of State regulation J-1 students must have written authorization from the exchange visitor program administrator, e.g., IP or the agency that issued the form DS-2019, before undertaking any employment on or off campus. IP issues a letter that verifies eligibility through the student's anticipated completion date, with the understanding it is void if the student violates his/her legal

status. During the academic year, F-1 and J-1 students may not work more than 20 hours per week. During the summer and school vacations, they may work full time.

Most forms of off-campus employment for F-1 students are recommended by IP and authorized by DHS. At publication, the processing time of these applications by DHS is approximately two-three months. It can - and often does - take more or less time depending on the backlog at DHS. J-1 off-campus employment is authorized by IP. Generally, international students must be in the U.S. for one academic year before they are eligible to work off campus. Most F-1 and J-1 students have the opportunity to pursue "practical training" or "academic training," off-campus professional employment in their field of study available during and following studies at EIU.

Students may apply and interview for employment without having work permission in hand but may not commence performing services prior to receiving written authorization. Students who work without authorization face serious repercussions, and employers are subject to DHS sanctions and fines.

Taxes

All F-1 and J-1 students, as well as their dependents, are required to file federal income tax forms annually, even if no income was derived from U.S. sources. Students who are employed in the U.S. normally have federal, state, and local taxes withheld. Students from countries that have tax treaties with the U.S. may be able to exempt a portion of their income from federal taxes but must still file annual returns. F-1 and J-1 students are classified as nonresidents for federal tax purposes their first five years in the United States. During this time, social security tax is not withheld from their wages. After five years, some international students may be classified as residents for tax purposes even though they remain F-1 or J-1 students. Because taxation of international students is extremely complex, IP provides information on resources available to students in the filing of tax returns and an online program for filing nonresident tax return. IP staff cannot, however, advise individuals on their tax liabilities.

Social Security Card

As part of the national security effort, the Social Security Administration has been and continues to implement more restrictive policy regarding the issuance of social security cards to foreign nationals in the United States. At publication time, EIU-sponsored J-1 students with IP employment authorization, a valid passport, DS-2019 and I-94 card can obtain a social security card. F-1 students must have an Employment Authorization Document (EAD) issued by DHS or an IP letter verifying employment eligibility. It is likely that in the future a written job offer will be an additional requirement. J-2 dependents can and must obtain a card only after receiving an EAD. The processing time for card issuance by the Social Security Administration is several weeks. Students and dependents without the documents described above are ineligible for a social security card. They must apply at any local IRS office for an "Individual Taxpayer Identification Number" (ITIN). The ITIN functions as a substitute social security number for tax filing purposes only.

Financial Aid

Most financial aid is U.S. government sourced and is thus restricted to U.S. citizens and permanent residents. International students may be awarded assistantships or scholarships from EIU, their home government, or a private source. An International Student Scholarship award normally pays tuition for minimum full-time enrollment (i.e., twelve hours for undergraduate students and nine hours for graduate students). Further, small, specialized scholarship and loan programs are established occasionally to meet special needs, but most undergraduate students and a portion of graduate students must depend on personal funds to finance their studies in the United States.

It is important to place international students' requests for aid in the context of their immigration status. That is, to obtain F-1 or J-1 student status, individuals had to prove to EIU, the U.S. consulate, and DHS that they had sufficient funds for the duration of their academic programs. Students are not permitted to take a reduced course load for financial reasons; to do so results in the loss of student status and eligibility for such benefits as employment, extension of stay, and transfer of schools; ultimately endangering a student's ability to remain in the U.S.

Health Insurance

EIU policy requires all F-1 and J-1 students to purchase the university's comprehensive health insurance plan. Health insurance is required by federal regulation for J-1 students and their dependents. Students who have comparable health insurance coverage may apply for a waiver of the insurance with the Office of Financial Aid's Student Health Insurance prior to the tenth day of a semester. Dependents of students enrolled in the comprehensive insurance plan may apply for insurance coverage through EIU, but are not eligible to use the University Health Service.

Dependents

Only the immediate family members of a student (spouse and minor children) are eligible for F-2 and J-2 dependent status. Students must provide evidence that they have the financial resources to support family members for them to obtain a visa and enter the United States. F-2 dependents are not permitted to work in the United States under any circumstances. J-2 dependents may obtain work permission through DHS. F-2 dependents are not allowed to study full-time at the post-secondary level. A similar legal restriction is anticipated for J-2 dependents, barring them from full time post-secondary study.

Disciplinary Concerns and Criminal Violations

Should any international student face disciplinary sanctions at the university, it is imperative that IP be notified as early in the process as possible. IP staff can serve as a confidential resource to the faculty or administrators involved in the disciplinary process. If suspended, an international student must meet with an IP advisor to discuss the immigration implications of the sanction.

In the event of any contact with the criminal justice system, a student should seek legal counsel before entering a guilty plea. Because it is important that a student's immigration status be taken into account in any criminal proceeding, IP should be notified immediately. There are severe consequences under current immigration law for criminal convictions that may not appear to be serious to an American. These include crimes that fall under the broad category of "moral turpitude" as well as crimes involving narcotics or marijuana. A student could be removed from the U.S. or denied re-entry to the United States if convicted of certain crimes. The university is required to report to the Department of Homeland Security (DHS) any EIU sanction resulting from the conviction of a crime. Such an occurrence would render a student out of status.

Public Benefits

Individuals in F or J status should never accept public benefits from federal, state, county, or local government agencies. Doing so violates their nonimmigrant status. Public benefits include Medicaid, Aid to Families with Dependent Children, food stamps, subsidized housing, and all other aid programs funded in whole or in part with government funds. Accepting such benefits can result in the loss of student status and a bar to re-entry to the United States.

Cooperation between state social service agencies and DHS makes it possible for the DHS and the United States Department of State to identify nonimmigrants who accept public benefits. International students who have accepted such aid may be denied visas at consulates abroad or may be denied re-entry to the United States.

Frequently, social service agencies, hospitals, or public housing administrators unwittingly encourage international students to apply for public benefits because they are unaware of the regulations governing nonimmigrant status or they do not know the immigration status of the individuals they are advising. Further, although the U.S. citizen children of nonimmigrants may be eligible for public benefits, by accepting those funds the children's parents acknowledge their inability to support their dependents and thus risk being judged to have violated the conditions of their F-1 or J-1 status.

IP Programs, Services, and Publications

IP provides a broad range of programs and services to assist students, scholars, and their family members with cultural adjustment to the United States. Major programs include orientation, International Forums, a series of events to explore and experience US culture. IP works cooperatively with other university offices to co-sponsor programs that allow international students to meet other students at EIU. IP coordinates a friendship program designed to allow U.S. and international students to have direct and on going contact, and "survival" classes for those newly arrived to the U.S. There is an Association of International Students (AIS) made up of international students who work with IP to enhance and improve life at the university for all international students.

IP publishes a newsletter, an orientation handbook for international students, and a pre-arrival brochure. Reminders about events and important dates are sent to all international students with an active EIU e-mail account. The newsletter, programs, events, and services are posted on the IP website at <http://www.eiu.edu/~interntl>

IP advisors are available daily to answer questions, process applications, and assist students in negotiating university and community systems. Advisors work closely with school representatives, the University Counseling Service, and central administration officials to ensure that students get needed help. IP coordinates emergency services in personal, political, and economic crises.

Anticipating Cross-Cultural Challenges

The professor's awareness of an international student's presence in the classroom is crucial to the student's academic success. Given the diversity of EIU's international student population, it is impossible to explore in depth the cultural backgrounds of all international students. The following general suggestions may be useful in your work with international students.

International students often are accustomed to a formal academic setting. Students may be uncomfortable addressing faculty by anything other than their titles. They may be astounded that students drink or eat during class. Expectations of behavior should be stated clearly and may need to be reiterated for newly arrived international students. International students often have a very different image of the role of faculty from their U.S. counterparts. In many countries the professor is the expert and authority. Discussion and questions are discouraged and there is very little in the way of an open exchange of ideas. International students may express frustration or confusion when a professor does not meet this "final authority" expectation.

Students are often surprised at how accessible faculty members are in the U.S. Faculty may find it helpful to explain the purpose of office hours and specify whether students should drop in or make an appointment. Encouraging students to prepare a list of questions and concerns ahead of time may ensure productive meetings. If faculty members encourage students to contact them by e-mail, it is a good idea to discuss how quickly students might expect a response and the types of questions that are appropriate to ask. Some faculty find it helpful to have a group meeting with international students after the first few weeks of class to address any special concerns that may have arisen by that point.

International students may not be accustomed to participating in class or may be reluctant to do so. If class participation is a required part of the course or is expected for pedagogical reasons, international students may need encouragement to speak up. One way to facilitate this is to begin the semester by inviting students to introduce themselves, thus giving international students immediate experience in speaking in the classroom. Faculty may wish to invite international students to share their personal experience, where applicable, in class. Calling on international students to comment on something

with which they are familiar raises their self-esteem and involves them in the class discussions.

Having students work in groups may facilitate interaction and help international students form relationships with their U.S. counterparts.

The level of competitiveness in an academic program can be disconcerting to international students who may be accustomed to a more cooperative approach.

Many international students come from cultures where group work and rote memorization are the norm. In classes where papers are required, faculty can help students by explaining criteria and by providing appropriate guidelines at the beginning of the semester, e.g., sample topics, expected depth, general length, and requisite style manual. It is also helpful to provide students with sample term papers or other writing assignments, e.g., case studies or journal writing.

Perspectives on what constitutes academic integrity vary from culture to culture. It is important to give clear, detailed information on ethical standards and the consequences of violating them.

Writing style and research expectations are different in the U.S. from those in many other countries. It is essential to clarify at the outset of the semester what constitutes plagiarism to prevent students from mistakenly presenting work that is unacceptable. It may be helpful to obtain a writing sample from students at the beginning of the semester to determine the need for assistance with grammar, spelling, or organization. Many students will benefit from a referral to the Writing Center where they can get one-on-one guidance in the construction of a paper and the use of appropriate citations.

It is important to review the course syllabus with all students, but international students particularly benefit from a clear detailed description of the course objectives, expectations, and deadlines.

Students who speak English as a second language may have difficulty following a lecture. Outlines are helpful. Allowing students to record lectures also helps them understand the topic.

Although international students are required to enroll full time, they should not take additional credits the first semester, when they may need time to adapt to a new academic environment.

International students may be unfamiliar with the amount and type of research required, as well as with the technology used in and outside of the classroom. Encourage students early in the semester to take advantage of library tours, workshops offered by various campus departments, free athletic events and other EIU resources to assist in developing their research and technical skills and helping them to become more well-rounded. International students should be told what to do if they encounter a problem in the department, for example, conflict with an advisor or frustration in doing research. Otherwise, students may think that seeking help will create trouble rather than resolve a

problem. Graduate students should be told who the director of graduate studies is and undergraduate students should be told the name of their dean.

If you are concerned about a student's academic or cultural adaptation, do not hesitate to contact the school's student affairs office or the IP for guidance in how to help the student, and if warranted, to refer the student to either office.

Closing

The entire university community is enriched by the presence of students from all over the world. Although life for international students is more complex than it is for their U.S. counterparts, the rewards of study abroad are immense. To realize the mutual benefits of international educational exchange, however, students and those working with them must be aware of the additional regulatory requirements that govern their daily lives. It is difficult for international students to succeed academically if they have immigration problems.

Equally important, as hosts to international visitors, EIU faculty and staff must assist newcomers in making their cultural adjustment to the United States, whether they are from a country as similar in culture as Canada or as different as China. IP assists students in making this adjustment by coordinating information programs, by providing a forum for students to discuss their experiences and ideas, by advocating for their special needs and concerns, and by helping they develop a support system while they are in Charleston. Working together, faculty, staff and students create and maintain an environment in which international students can thrive.

Appendix A: Glossary of Immigration Terms

Customs and Border Protection (CBP): The bureau within the Department of Homeland Security that includes the border patrol, customs service, and inspectors at the U.S. ports of entry.

Department of Homeland Security (DHS): The U.S. government department responsible for most areas of national security, including all areas related to foreign visitors in the U.S. Under its jurisdiction are three bureaus that handle the work previously done by the U.S. Immigration and Naturalization Service (INS)? Foreign students come into contact with DHS at the ports of entry to the United States, through the SEVIS database, and when applying for nonimmigrant benefits, e.g., employment authorization.

Department of State (DOS): This department responsible for visa issuance worldwide through U.S. consulates and embassies. A bureau within the U.S. Department of State administers the Exchange Visitor Program and thereby regulates the stay of all individuals in J-1 status

D/S: An abbreviation used by DHS for "Duration of Status." F-1 and J-1 students are admitted to the United States for as long as they are full-time students complying with all pertinent regulations. It is not indefinite, however; the period of time reflected on the I-20 in section five or the DS-2019 in section three determines the maximum length of the individual's stay and remains conditional upon the pursuit of full-time study.

DS-2019: The government-controlled document the IP issues to individuals applying for J-1 visas abroad or a change of status or transfer to J-1 student, if they are already in the U.S. The DS-2019 has a unique identification number on it, which connects to the student or scholar's record in the SEVIS database. The DS-2019 serves as a primary record of a student's immigration-related actions, such as extensions and transfers. A student should keep all DS-2019s ever issued to compile a comprehensive history of J-1 status.

Employment Authorization Document (EAD): The laminated card issued by the DHS as proof of valid employment authorization for F-1 students and J-2 dependents. The EAD indicates the begin and end dates of employment and the type of work permission authorized.

F-1: Most international students at EIU are under this immigration classification, which means they have been admitted to the U.S. for the purpose of full-time study, have demonstrated financial resources for the entire academic program, and have a permanent residence abroad which they have no intention of abandoning.

F-2: The dependent spouse and unmarried minor children of an F-1 student have this immigration classification. F-2 dependents are not permitted to work in the United States

under any circumstances. F-2 dependents are also prohibited from full-time study at the post-secondary level.

I-20: Formally known as the I-20 AB, this DHS document is issued by IP for individuals abroad to obtain an F-1 visa or to apply for or to maintain F-1 status if they are already in the U.S. The I-20 contains a unique identification number, which is for the student's record in the SEVIS database. The I-20 serves as a primary record of a student's immigration-related actions, such as program extensions and transfers. A student should keep all I-20s ever issued to compile a comprehensive history of F-1 status.

I-94: The small white card also known as the arrival/departure record. It is issued to the student at the port of entry by a DHS officer and removed from the passport when the student leaves the U.S. It is a very important document that verifies a nonimmigrant's legal entry to the U.S., including the date of arrival, the classification of the individual, and the time allowed to remain in the United States. It is the I-94 and not the visa stamp that controls how long someone may remain in the U.S. legally.

Immigration and Customs Enforcement (ICE): The bureau within the Department of Homeland Security responsible for the SEVIS database, and intelligence and investigations related to nonimmigrants in the U.S. INS: The United States Immigration and Naturalization Service were responsible for enforcing the regulations that apply to non-citizens within the United States. These duties now fall under the Department of Homeland Security.

J-1: There are many J-1 "categories," one of which is student. Fewer than 10% of the international students at EIU are in J-1 status, which is reserved for individuals who participate in an academic exchange between EIU and a university abroad or who are funded by an international organization, the U.S. or a foreign government, or a private agency in support of international education. Some J-1 students are subject to a two-year home return requirement following completion of the academic program as a condition of the funding they received or based on the skills that are in demand in the home country.

J-2: The dependent spouse and unmarried minor children of a J-1 exchange visitor have this immigration classification. A J-2 dependent may apply for work permission with the DHS. It is expected in the near future that J-2s will be prohibited from full-time study at the post-secondary level.

Status: Upon entry to the United States, all individuals are classified based on the documents and reasons they present at the port of entry. Most international students at EIU are in F-1 status. Individuals who do not comply with the regulations governing a given classification are "out of status" and therefore ineligible for certain "benefits" such as employment.

United States Citizenship and Immigration Services (USCIS): The bureau within the Department of Homeland Security responsible for adjudication of applications for benefits filed by nonimmigrants.

Visa: The stamp in a passport serves as an application to enter a given country; in this case the U.S. Visa stamps can only be obtained overseas at U.S. consulates and embassies. The visa does not indicate how long someone can remain in the U.S.

Appendix B: Becoming an International Student

The first step to becoming an international student at EIU is acceptance into a full-time program of study. Once accepted, the student must submit certain biographical information and evidence of financial resources to International Programs. IP verifies that the admitted student has all funds needed to pursue and complete the designated academic program as required by the U.S. Department of Homeland Security (DHS), determines the appropriate nonimmigrant status, and advises the student how to obtain it. If the student meets all requirements, IP establishes a record in the Student and Exchange Visitor Information System (SEVIS) and issues form I-20 for the F-1 student visa or form DS-2019 for the J-1 student visa. These are controlled U.S. government documents that IP is designated to issue on behalf of the university.

F-1 and J-1 visa applicants are required to pay a SEVIS fee. Evidence of payment is required by the U.S. consulate or embassy.

Using the I-20 or DS-2019, the passport, EIU letter of acceptance, and financial documentation, the student applies for the F-1 or J-1 visa at the nearest U.S. Consulate or Embassy. An in-person application with an interview lasting no more than three minutes is required. The purpose of the interview is to confirm that the individual meets the criteria for the F-1 or J-1 visa, including overcoming a presumption that the applicant intends to immigrate to the United States. During the first year of SEVIS, there were delays in the transfer of information from the SEVIS database to the State Department's database. The wait time for an appointment for a visa interview may be several weeks.

All international students outside the U.S. must obtain an F-1 or J-1 visa to enter this country, except Canadian citizens who are not required to obtain a visa stamp or even to possess a passport. (Canadian students still require the form I-20 or DS-2019, however.) Upon arrival to the U.S., international students present to the DHS officer the passport containing the F-1 or J-1 visa, the I-20 or DS-2019, the EIU admission letter, and evidence of financial resources. The inspecting officer classifies nonimmigrants according to the purpose of their stay. This classification is known as status and is verified by a small white card, the I-94 card, stapled into the passport. The length of time F-1 and J-1 students can remain in the United States is determined by viewing the I-94 card in conjunction with the I-20 or DS-2019. The I-94 cards of F-1 and J-1 students should be marked D/S for Duration of Status. The visa stamp in the passport does not determine how long a student may remain in the U.S.; it may expire at any time and need not - indeed cannot - be renewed or reissued until the student travels abroad.

Federal regulations establish the differences between F-1 and J-1 students, setting the parameters as to who is eligible for which classification. The major distinction is that the F-1 is used for "independent" students, whereas the J-1 is for sponsored students. F-1 students study in the U.S. on their own accord, with funding from private sources, generally personal savings, family funds, EIU funds, or sponsorship by the home-country employer. J-1 students study under the auspices of an exchange program between Eastern

Illinois University and a foreign institution or they are financially sponsored by an international organization, the U.S. government, their home government, or a private agency in support of international educational exchange. J-1 students and scholars who are sponsored by the U.S. government, under the auspices of the Fulbright program or the Agency for International Development, for example, are subject to additional restrictions defined by Congress and the agencies administering the programs. The J-1 program is administered by the U.S. Department of State.

International Students in the Classroom

International students in the United States enjoy constitutional protection similar to citizens and permanent residents. They are protected from most forms of discrimination by law. However, immigration laws do regulate many aspects of international students' lives, including entry to the United States, the conditions under which they may remain in this country and re-enter after traveling abroad, and eligibility for immigration benefits such as employment or change of status.

To maintain legal F-1 or J-1 status in the United States, international students must

- ✚ report to IP with passport, EIU I-20 or DS-2019, and INS Form I-94 upon first arrival at EIU to ensure that these documents have been properly processed.
- ✚ register for and complete a full-time course load each semester. Any and all exceptions to this, whether for academic, medical or personal reasons, must be documented and approved by IP.
- ✚ obtain written authorization from IP or the DHS as required before engaging in any employment on or off campus. This includes students with graduate assistantships.
- ✚ keep their passports valid at all times.
- ✚ notify IP immediately of a lost or stolen I-20, IAP-66, or passport.
- ✚ report to IP and the DHS any change of address within ten days of the move.
- ✚ file a federal income tax form for every year present in the United States. This includes students with no income and F-2 and J-2 dependents. The annual deadline to file is April 15.
- ✚ contact IP before transferring schools, taking a leave of absence, changing academic programs, traveling outside the U.S., or extending the period of stay.