

IMMIGRATION MYTHS AND FACTS

- 1. My visa has expired so I must leave the United States.**
The visa stamp does not control how long someone can stay in the United States. It serves as an entry ticket to enter the country. The I-94 card indicates how long a nonimmigrant can legally remain in the U.S. F-1 students are admitted with "D/S" stamped on the I-94 and their I-20 determines the length of stay.
- 2. I have D/S so it's okay to stay in the United States, even if my I-20 has expired.**
D/S stands for Duration of Status. It means one may remain in the U.S. for as long as they maintain their status. For a starting point to determine how long someone in F status can remain in the United States, the F-1 student should consult their I-20, section five. In addition, there is a grace period for those who have completed their studies or academic/practical training to depart from the U.S. It is important that F-1 students do not allow their I-20 to expire or have outdated or incorrect information.
- 3. I can take a leave of absence and remain in the U.S.**
If an F-1 student is permitted to take the summer term as their "vacation" term. This means you have the option of remaining in the U.S. and not be enrolled in courses. Or, you may take less than full-time during the summer "vacation" term. The exception is if the leave is because of documented medical reasons, in which case the individual may remain in the U.S. as advised by the international office (see question #8).
- 4. On-campus work permission means I can work on any campus in the U.S.**
On-campus work permission is limited to the campus that a student is enrolled at, not for any college campus in the U.S. as some students wishfully think. There are limited situations for F-1 students when on-campus work may actually take place at a non-campus location.
- 5. Once I have transferred academically, my F-1 transfer is also complete.**
No, it is a separate process for an immigration status transfer with specific deadlines mandated by regulations. Students must report to the International Student Services Office at the new school at the beginning of the semester to complete the transfer process. It is imperative students transfer in a timely manner. Students should contact the international office for their specific deadline.
- 6. The U.S. is giving away green cards.**
Congress enacted an annual "Diversity Immigrant Visa Program" otherwise known as the visa lottery. It is conducted once a year to make available 55,000 permanent visas ("green cards"). It is open to residents of countries that have been "underrepresented" in recent immigration to the U.S. The registration period was last moved from February/March to October/November. There is extensive publicity during the registration period. The application is free, and the procedures to apply are simple.
- 7. It's okay to be a part-time student in the fall if I took summer courses.**
Study during the summer is optional. Full-time study is required during the academic year. The regulations do not allow students to "average out" full-time studies by including the summer.
- 8. If I am sick or injured while in the United States, I do not have to take my classes.**
A medical leave of absence is a "benefit" under the regulations that must be documented, based on the policy set up by a particular institution. The international office will determine whether a partial or full reduction of courses is allowed and for what period of time. It is common practice to make these determinations with documentation from the student's doctor.
- 9. I heard that I could apply for a visa at any U.S. consulate or embassy in world, is that true?**
Technically that is true. It is usually best, however, to apply for a visa in the home country. Sometimes that is not possible, whether due to conditions in the home country or inflexible travel plans. "Third-country" applicants may face processing delays when applying for a visa and are advised to contact the consulate/embassy in the country they are visiting for instructions prior to departures from the U.S.
- 10. F-1 students don't have to file any form with the international Revenue Service unless they have income from the U.S.**
Unfortunately, this is not true. The IRS made great strides for the 1997-filing year by lifting requirement that all F students and dependents had to file a form 1040NREZ even if they had no income. However, they maintained the requirement that all F-1 students and dependents have to file a form 8843, even if they have no income.

11. **It is easy for an F-2 Spouse to get a social security card.**
It might have been in the "old days" but no longer. The Social Security Administration has become quite strict in the past few years. They will no longer issue Social Security Cards to individuals who do not have work permission in the U.S. Some offices go a step further and require evidence of a job offer in addition to the work permission. Since F-2 dependents cannot work in the U.S., they can no longer get a social security card.
12. **I must have job offer to get F-1 optional practical training (OPT).**
F-1 students are not required to have a job offer to get optional practical training, whether during or after the degree. You are required, however, to have a specific job site for curriculum practical training (CPT).
13. **Once I finish my studies, I have 30 days to leave the country.**
*Based on the current regulations, F-1 students have **60-days to be accepted at another institution and secure a new I-20 or depart the United States.***
14. **I'm am eligible for employment even though I am a student in an English language program.**
No. You must be in a degree-seeking program to be eligible for employment.
15. **I went to a U.S. public high school for two years as an F-1 student and now I want to transfer to your university.**
An individual who entered the U.S. after November 30, 1996 or came in contact with the CIS after the date may not attend a U.S. public high school for more than one year legally in F-1 status. In addition, the individual must demonstrate that s/he has reimbursed the school authority for the unsubsidized, per capita cost of education for the period of study. This provision includes primary and secondary public schools.
16. **I am an F-1 transfer student. My visa stamp has the name of the first school I attended. My Friend told me I need to get a new visa for my second school. Is that true?**
No, it is not. A student does not need to get a new F-1 visa simply because s/he transferred school, as long as the visa is otherwise valid and unexpired. Sometimes the INS Officer will update a visa when a student reenters the U.S. by writing in the name of the new school. It is fine for the officer to do that although it is not required. A student should not alter the visa stamp or I-20 in any way. A student will need to apply for a new F-1 visa when outside the U.S. and the current visa has expired.
17. **My friend told me that being a J-1 student is better than being an F-1 student. Why?**
It is not a case of one "being better" than the other, so much as the two are different. The United States Information Agency administers the J-1 program, whereas the INS regulates the F-1 students. There are fewer J-1 students than F-1 students. The J-1 program, formally known as The Exchange Visitor Program, has strict requirements about who is eligible for J-1 status. The most well known J-1 student program is the Fulbright program. J-1 students must have the majority of their funds from non-personal sources, such as a government or international Organization. They are often in the United States in formal exchange program between their home university and the U.S. institution. J-1 students have several different benefits and requirements from their F-1 counterpart, the most visible including that their spouse can work in the U.S. and that the student may be subjected to a two-year home residency requirement following the completion of the U.S. degree.