

INTERNATIONAL STUDENTS ON F-1 STUDENT VISA

WACRAO 2017 | November 2, 2017



With You Today

Sarah Peterson

Founder & Principal Attorney
SPS Immigration PLLC

Minneapolis, MN

+1 612 351 8103

sarah@spsimmigration.com



SARAH K. PETERSON
Attorney

Predictability & Stability





International Students |

Common Nonimmigrant Student Classifications

F-1

H-4

J-1

L-2

F-1 Status

- Full-time degree seeking student
- At an accredited college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or in a language training program.
- Program or course of study must culminate in a degree, diploma, or certificate
- School must be authorized by the U.S. government to accept international students.

J-1 Status

- Must pursue a full course of study only at a postsecondary, accredited academic institution in the United States
- Be financed directly or indirectly by the U.S. government, the government of their home country, an international organization of which the United States is a member by treaty or statute, or supported substantially by funding from any source other than personal or family funds
- Cultural Component

H-4 Status

- Dependent of H-1B Professional Worker
- H-4 Dependents can study full-time
- Some H-4 spouses are able to obtain work authorization

L-2

- Dependent of an Intracompany Transferee
- Can study full-time
- All L-2 spouses are able to obtain work authorization

DACA

- DACA (Deferred Action for Childhood Arrivals) is an immigration policy implemented by President Obama to address certain undocumented immigrants.
- DACA provides a renewable two-year period of deferred action where the recipient is protected from deportation and is eligible for an employment authorization card.
- Available for those individuals who:
 - entered the country as minors without authorization; and
 - do not have a conviction for a serious crime
- Can study full-time

Cinnamon oatmeal, apple, oatmeal
 Cinnamon Cobbler Oatmeal
 Cinnamon, spices, oatmeal
 Raspberry Swirl Oatmeal
 Raspberry, jam, oatmeal
Orange Ginger
 carrot, apple, beet
 Add/Customize
 Kale, cucumber, lemon
Apple Berry Acai
 acai, blueberry, strawberry,
 pineapple sherbet, apple juice
Amazon Acai
 acai, strawberry, banana,
 yogurt, apple juice
Matcha (Rabbit Green Tea)
 matcha green tea, yogurt,
 soy milk
Piña Colada
 peach, strawberry,
 passion fruit juice, pineapple sherbet
The Mango
 mango,
 papaya juice, pineapple sherbet
Diarrhea
 blueberry, strawberry,
 orange juice, raspberry sherbet
Orange Clockwork
 banana, strawberry,
 orange juice, non-fat yogurt
Very Raspberry
 strawberry,
 apple juice, raspberry sherbet
Sumatra Manheling
 dark roast, vanilla + fruit
Blue Thunder
 French roast, sweet + smoky
Columbian Decaf
 Sm \$2.95 Reg \$2.95 Lg \$3.50
Cappuccino
 espresso, milk, and foam
Mocha
 espresso, milk, and chocolate
Chai Latte
 half milk, half chai
 Take a bag of coffee home! REG \$4.99

Build Your own Panini or Bagel
 ① Turkey or Roast Beef (Add Bacon!)
 ② Jack Cheddar or Swiss
 ③ Basil or Chipotle Pesto, BBQ, or Mayo
 Customize YOUR Coffee!
 Mocha: Milk choc, dark choc, white choc, Carmel, vanilla/Sugar free
 Hazelnut/Sugar free, Mango, Almond Roca, Peppermint, Raspberry, Coconut, Cane Sugar, Irish Cream



Employment |

Employment

F-1 – on campus

- No affirmative work permission required
- Includes TA, PA, & RA
- Cannot exceed 20 hrs/wk during fall & spring semesters
- Can work over 20 hrs/week during vacation periods (winter, spring & summer breaks)

F-1 – off campus

- *See next slide*

J-1 student – on campus

- Can work with written authorization from school
- Cannot exceed 20 hrs/wk during fall & spring semesters
- Can work over 20 hrs/week during vacation periods (winter, spring & summer breaks)

J-1 student – off campus

- Not permitted

F-1 Off-Campus Employment

- CPT
 - Part-time during academic study
 - Employment is part of degree program (e.g., a co-op program)
- OPT
 - Full-time, for up to 12 months, after finishing the course of study
- STEM OPT available for:
 - Employers who are enrolled in E-Verify, and,
 - Students hold a STEM degree, and,
 - Employer completes the training program form and pays appropriate salary
 - Eligible for 2 additional years of full-time employment authorization
- What about Internships?

Employment, cont.

L-2 and H-4 Employment

- Only authorized to work pursuant to an Employment Authorization Document (EAD)

DACA

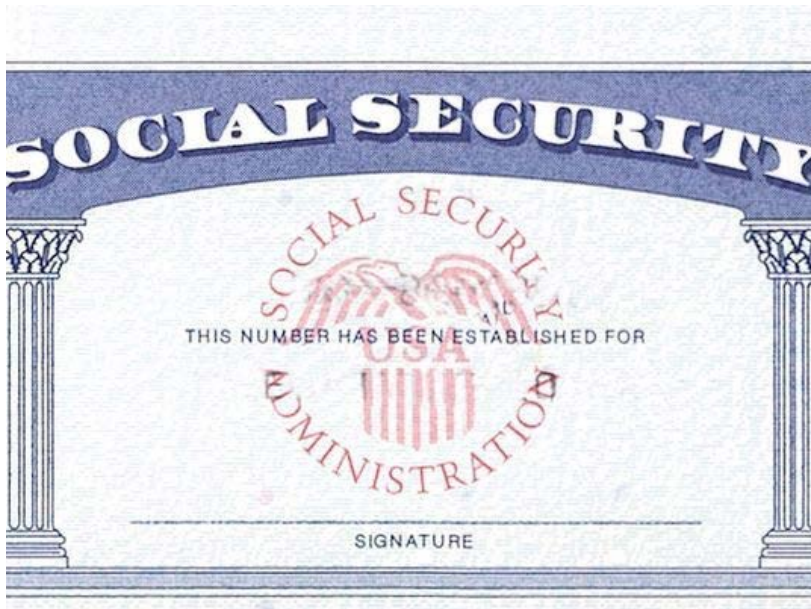
- Only authorized to work pursuant to an Employment Authorization Document (EAD)

Study abroad

- Generally:
 - Need to comply with the immigration requirements of the host country
 - Assess the impact of Nationality and Executive Orders on Travel
- DACA students have different considerations:
 - International Travel Authorization?
 - Re-entry after extended period abroad?



Benefits |



Social Security Number

- Only students with employment authorization are eligible to apply for a Social Security Number (SSN).
- Students need a letter from ISS in order to apply for an SSN.
 - **F-1 students:** Bring a job offer letter to ISS.
 - **J-1 students:** Request work permission from sponsor listed on the DS-2019.

Wisconsin Drivers License

- **Proof of Name and Date of Birth:**
 - Valid foreign passport with I-94 card, arrival and departure record.
- **Proof of identity (one of the following):**
 - Social Security Card issued by the Social Security Administration (be sure it is signed before you show it to the DMV official). If you are not eligible for a card because you are not employed, tell the official this. They may require a letter from the Social Security Administration that says that you are not eligible for a Social Security Number.
 - A valid WI or out-of-state driver license (not a Canadian driver license) or ID card with your photograph. **Note:** Temporary out-of-state driving receipts are not acceptable.
 - Proof of legal presence: Valid foreign passport with appropriate immigration documents (I-20 or DS-2019), accompanied by federal form I-94, arrival and departure record. **Note:** The appropriate immigration documents determine legal presence, not the passport itself. You will be issued a Wisconsin ID only if you have 6 months or more left on your I-20 or DS-2019. If you have applied for OPT, please show them page three.
- **Proof of residency in Wisconsin (one of the following):**
 - Paycheck or stub with your name and Wisconsin address, and your employer's name and address. Your employer's telephone number may be required for verification.
 - An account statement from a Wisconsin financial institution (bank). The account statement must show activity within the last 30 days. Printouts from an online statement are **not** acceptable; the statement must be printed on bank stationery, and mailed to you.
 - Certified school record or transcript.
 - A utility bill for water, gas, electricity or land-line telephone service at least 30 days old.

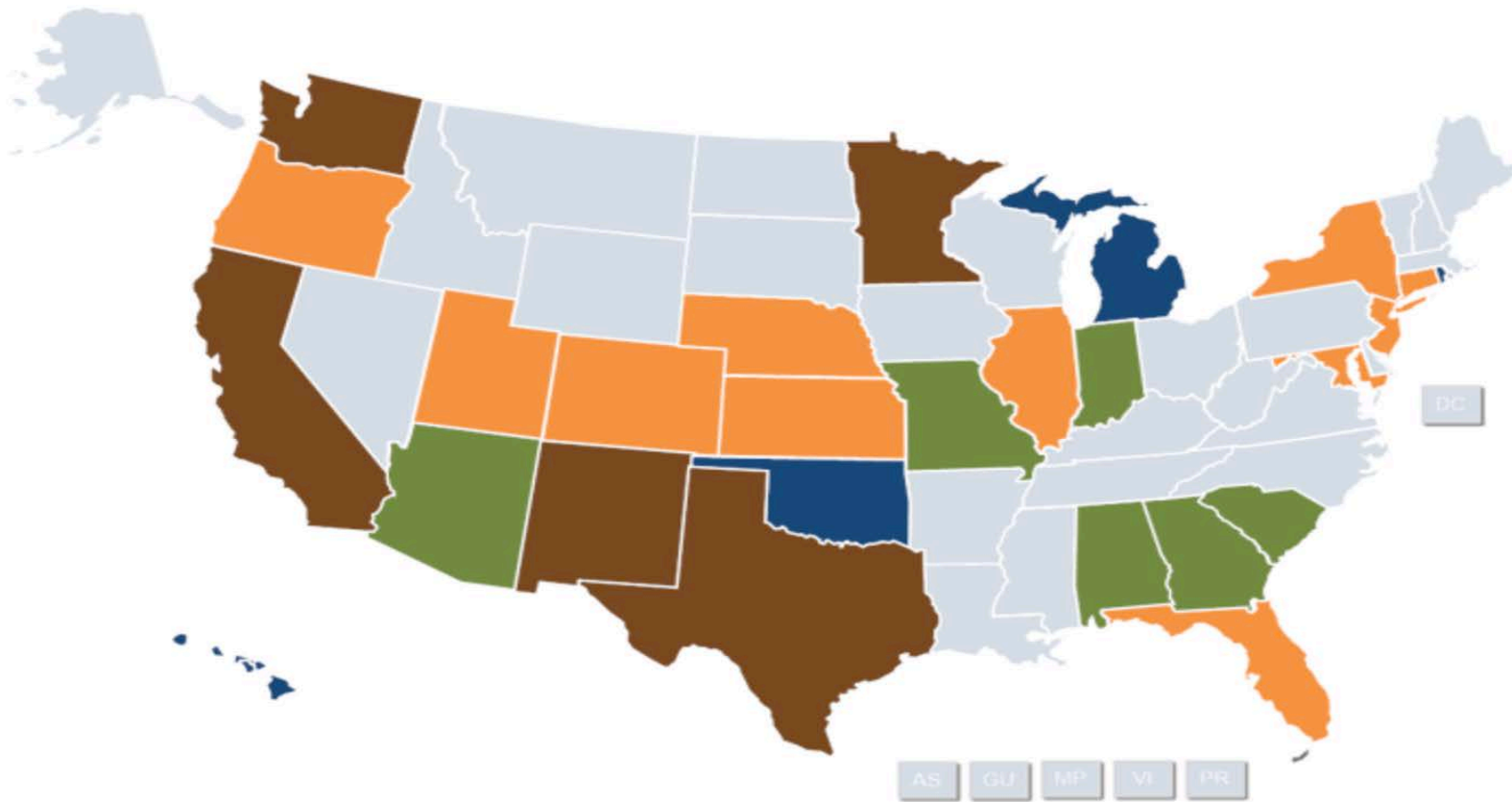
In-State Tuition & Financial Aid

- **In-State Tuition to DACA:**

- 16 States permit: California, Colorado, Connecticut, Florida, Illinois, Kansas, Maryland, Minnesota, Nebraska, New Jersey, New Mexico, New York, Oregon, Texas, Utah, and Washington.
- 4 State University Systems permit: University of Hawaii Board of Regents, University of Michigan Board of Regents, Oklahoma State Regents for Higher Education and Rhode Island's Board of Governors for Higher Education
- **NOT** Wisconsin (had a law, but revoked it in 2011)

- **Financial Aid**

- Non-immigrants
 - Prohibited from receiving: Pell Grant, SEOG Grant, Stafford Loan, Perkins Loan, PLUS Loan, and Federal Work-Study
 - BUT: Exemptions for certain classes (T, U, Asylee, Refugee, etc.)
- DACA
 - Prohibited from receiving federal funds
 - BUT: eligible for state funding, if state permits (i.e., MN, WA, TX, CA, NM)



LEGEND

- States with laws providing in-state tuition
- States with laws providing in-state tuition and state financial aid
- States offering in-state benefits via university systems
- States barring in-state benefits

QUESTIONS?