

International Students: Maintaining Legal Immigration Status

International students are required to abide by United States immigration regulations throughout their stay in the US. International students are admitted to the US by the Department of Homeland Security (DHS) for the purpose of being a full-time student. Participation by students in any other activity, from employment to vacation, is considered to be a privilege and is only allowable in accordance with strict DHS rules. Penalties for violations of immigration law can be severe and include deportation and 10-year bars from reentry to the US, so it is extremely important for students to understand their responsibilities.

International students are normally admitted to the US for "Duration of Status" (D/S). This means that they are allowed to remain in the US for as long as they "maintain legal student status," NOT for the length of time listed on their visa or Certificate of Eligibility (I-20 form - see below). Listed at the end of this guide are the documents that F-1 students need to keep current while they are residing in the US along with the basic rules that students must follow in order to maintain legal student status in the US.

Information about our International students is transmitted through SEVIS. SEVIS stands for the "Student Exchange Visitor Information System." It is an Internet-based system which collects and maintains current information on non-immigrant students (F and M visas), exchange visitors (J visa), and their dependents (F-2, M-2, and J-2). SEVIS enables schools to transmit electronic information and event notifications via the internet, to the Department of Homeland Security (DHS) U.S. Citizenship and Immigration Services (USCIS) and the Department of State. The system will collect data regarding changes in student records that may or may not affect a student's status.

Each school has a Primary Designated School Official (PDSO) who is responsible for transmitting this information. The PDSO at Albany Law School is **Joann Fitzsimmons**, our Registrar. Ms. Fitzsimmons can be contacted at (518) 445-2324 or by e-mail at jfitz@albanylaw.edu. Remember that it is the student's responsibility to be informed about immigration rules and any rule changes which occur during their stay in the US.

The Basics of Maintaining Legal Status in the United States:

Students must always:

1. Maintain a **valid and unexpired passport** throughout your stay in the US.
2. Attend the school you are authorized to attend by US Citizenship and Immigration Services (USCIS). This is the school whose name appears on the I-20.

3. Register for and complete a full course of study each and every semester. Students cannot drop below this except under specific circumstances outlined below (see “Reduced Course Load) which must be authorized in advance by the PDSO. A full course of study is defined as:
 - For the LLM program, nine (9) credits during the spring and fall semesters and six (6) credits during the summer school session.
 - For the JD program, students in the three-year program must register for a minimum of ten (10) credits and pass at least nine (9) credits in each of their six semesters, and students in the four-year program must register for a minimum of eight (8) credits and pass at least eight (8) credits in each of their eight semesters.
 - Annual vacation. An F-1 student at an academic institution is considered to be in status during the annual (or summer) vacation if the student is eligible and intends to register for the next term
4. Keep your Certificate of Eligibility (I-20 form) valid at all times and apply for extensions of stay one month before the document expires.
5. Keep local and permanent address information current while in the US. "Permanent address" must be an address in your home country.
6. Maintain valid health insurance coverage.
7. If you are in F-1 status and intend to engage in Optional Practical Training (OPT) after the completion of your program, apply for OPT prior to your program completion.
8. Do one of the following within 60 days of completion or termination of the program of study:
 - Leave the US.
 - Change to another immigration status.
 - Get a new Certificate of Eligibility for a new school or program and enroll in the next possible semester

Reduced Course Load

The Primary Designated School Official may allow an F-1 student to engage in less than a full course of study **ONLY** as provided below. A student who drops below a full course of study without the prior approval of the PDSO will be considered out of status. Students requesting approval for a reduced course load or part-time enrollment need to complete the

Reduced Course Load Form with their academic advisor and submit it to the PDSO. The PDSO may approve the reduced course load only for the following reasons:

(A) **Academic difficulties.** The PDSO may authorize a reduced course load on account of a student's initial difficulty with the English language or reading requirements, unfamiliarity with U.S. teaching methods, or improper course level placement. The student must resume a full course of study at the next available term, session, or semester, excluding a summer session, in order to maintain student status. A student previously authorized to drop below a full course of study due to academic difficulties is not eligible for a second authorization by the PDSO due to academic difficulties while pursuing a course of study at that program level. A student authorized to drop below a full course of study for academic difficulties while pursuing a course of study at a particular program level may still be authorized for a reduced course load due to an illness medical condition as provided for in paragraph (B) of this section.

(B) **Medical conditions.** The PDSO may authorize a reduced course load (or, if necessary, no course load) due to a student's temporary illness or medical condition for a period of time not to exceed an aggregate of 12 months while the student is pursuing a course of study at a particular program level. In order to authorize a reduced course load based upon a medical condition, the student must provide medical documentation from a licensed medical doctor, doctor of osteopathy, or licensed clinical psychologist, to the PDSO to substantiate the illness or medical condition. The student must provide current medical documentation and the PDSO must reauthorize the drop below full course of study each new term, session, or semester. A student previously authorized to drop below a full course of study due to illness or medical condition for an aggregate of 12 months may not be authorized by a PDSO to reduce his or her course load on subsequent occasions while pursuing a course of study at the same program level. A student may be authorized to reduce course load for a reason of illness or medical condition on more than one occasion while pursuing a course of study, so long as the aggregate period of that authorization does not exceed 12 months.

(C) **Completion of course of study.** The PDSO may authorize a reduced course load in the student's final term, semester, or session if fewer courses are needed to complete the course of study. If the student is not required to take any additional courses to satisfy the requirements for completion, but continues to be enrolled for administrative purposes, the student is considered to have completed the course of study and must take action to maintain status. Such action may include application for change of status or departure from the U.S.

Note: Inadequate funding is not an acceptable reason for dropping below the required course load. Students should feel free to discuss any financial concerns with Andrea Wedler, Director of Financial Aid.

Distance Education

Students may only take one 3 credit distance learning online class per 12 credits in a semester, if the class does not require physical attendance for classes, exams or other purposes on the campus where it is offered.

Concurrent Enrollment

To enroll part-time at another college while under an I-20 from Albany Law School, the student must meet with the PDSO, providing information regarding the part-time college and the course(s) requested. Students who are allowed to enroll at a second school in addition to the school that issued the I-20 must provide the PDSO with copies of their class schedules from both schools to verify combined full-time enrollment each semester. The PDSO must receive the class schedules no later than 15 days after the primary school semester has begun.

Employment Authorization

The general rule is that International students in F-1 status are **not** permitted to work in the US. However, there are some significant exceptions. F-1 students may be employed as follows:

- Part-time on-campus employment limited to no more than 20 hours per week while school is in session. An F-1 student may, however, work on campus full-time when school is not in session or during the vacation periods.
- Curricular practical training that is required for graduation or for which the approved institution gives credits
- Optional practical training, either prior to or following graduation, for a maximum of one year for F-1 students and six months for M-1 students. The purpose of practical training is for the students to apply the knowledge and skills gained from their educational programs.
- severe economic hardship unforeseeable upon issuance of the Form I-20, may entitle a student whose PDSO certifies that other employment options are not available to meet academic and subsistence costs to apply to USCIS for an employment authorization document.

I-20 Extensions

Students must apply for an extension of form I-20 prior to the current I-20 end date. An extension may not be granted if students do not request one prior to their current I-20 end date. Extensions may be granted at any time prior to the I-20 end date.

Transfer

Students wishing to transfer should notify the PDSO of the date they wish to transfer and the name of the new school. The PDSO will release the student record to the new school in the SEVIS system. The release date must be no more than 60 days after the end of the last semester.

Upon completion of a degree program, students may remain in the U.S. for up to 5 months maximum when transferring to a new degree program. The 5-month period begins on the completion date of the first degree program.

Students who have fallen out of status are ineligible for transfer. They must either apply for reinstatement from USCIS or depart and re-enter the U.S. with an initial entry I-20 for a new program from their new school.

Reinstatement

Reinstatement applications to USCIS must be filed within 5 months of the status violation, unless exceptional circumstances can be demonstrated by the student.

The status violation must have resulted from circumstances beyond the student's control - which may include injury, illness, closure of school, natural disaster, or oversight or neglect on the part of the school or the PDSO. If the student has been employed without authorization, no reinstatement is possible.

Name & Address Reporting

Students must notify the PDSO of a new name, address, telephone number, or e-mail address within 10 days after the change. The PDSO must update SEVIS with this information within 21 days.

Students registered with the USCIS for Special Registration must also submit an address change form to the USCIS as mandated by that program.

Students must provide their physical home address unless it is impossible to receive mail there, in which case students may provide a mailing address.

If students provide a mailing address, they must also provide their physical home address to the PDSO.

School Reporting

The school must report to SEVIS within 21 days of the occurrence of the following:

Students failing to maintain status or complete their program.
Change in students/dependents name and/or address.
Students graduating prior to I-20 end date.
Disciplinary action taken against students convicted of a crime.
Any other request made by SEVIS regarding student's status.

Each semester, no later than 30 days after the semester begins the school must report to SEVIS:

Registration: if students are enrolled, dropped below full course of study without PDSO authorization, or failed to enroll.
Current address of all enrolled students.
Start date of the student's next term.

To comply with these regulations AND maintain status, students should consult with the PDSO before making any reportable changes to their records.

F-2 Dependents

F-2 spouses may not engage in full-time study. Only part-time study that is avocational or recreational, which means study undertaken for a hobby or study that is "occasional, casual or recreational in nature."

F-2 children may only engage in full-time study in grades K-12.

F-2 spouses or children enrolled full-time beyond the K-12 level prior to January 1, 2003, may continue studying full time but must submit an I-539 for Change of Status to F-1 to USCIS on or before March 11, 2003, or he/she will be in violation of F-2 status. F-2 spouses or children (have graduated high school) and want to study full-time, must complete the change of status process from F-2 to F-1.

Miscellaneous

The following rules apply to F-1 and F-2 visa status:

- New students may enter the U.S. up to 30 days before the start date on the I-20.
- Students who withdraw from school with approval from the Designated School Official (PDSO) have a 15-day grace period to leave the U.S. before they fall out of status.
- If the PDSO did not authorize the withdrawal, the student has no grace period to leave the U.S. and is immediately out of status.

Explanation of Important Documents

Passport	The passport is the legal document issued by your country of citizenship. It must be kept valid at all times during your stay in the US and must be valid at least 6 months into the future to re-enter the US or apply for a visa. The passport can usually be renewed through your home country's Embassy or Consulate in the United States.
Certificate of Eligibility I-20	The I-20 (for F-1 status) is the document issued by your school or a sponsoring agency. It is specific to the institution and program of study you will attend in the US. It must be presented to the US Embassy or Consulate abroad to obtain an entry visa and to immigration officials to enter the US in student status. Extensions or updates may be made by contacting PDSO or your sponsoring agency. After your initial entry, a travel signature less than 6 months old is required in order to re-enter the US in student status. Signatures can be obtained at PDSO.
I-94 Arrival/Departure Record	The I-94 is the white card completed before passing US immigration officials upon entrance to the US. It will be stamped with your date and port of entry. Your immigration status and expiration date will also be noted on the card. For F-1 students, the "expiration date" should be D/S, or duration of status, not an actual date. This means F-1 students are permitted to remain in the US as long as they have a valid I-20, are enrolled in the institution and academic program listed on the form, and have otherwise maintained their immigration status. Students who receive an I-94 card with an actual expiration date should contact PDSO immediately. The number at the top of the I-94 card that you receive upon each entry, is called your Admission Number or I-94 Number.
Entry Visa	The US entry visa is a sticker on a page of your passport which permits you to enter the US. Students will have either an F-1 visa. The visa may expire while you are in the US. You cannot and need not renew it while you are here. A new entry visa will be required if the original expires and you travel outside and then wish to re-enter the US. in legal student status.

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