

# Maintenance of Status for F-1 and J-1

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## Dos and Don'ts

DO get to know your DSO.

DO take a full course of study.

DO keep your I-20 or DS2019 and passport valid.

DO advise DSO within 10 days of address change.

DO go to your international advisor/ DSO with questions and problems.



# Dos and Don'ts

DON'T drop below a full load without talking to DSO first.

DON'T get kicked out of your program.

DON'T work without authorization.

DON'T leave US without the DSO checking your documents and signing I-20 or DS2019.

DON'T rely on friends, rumors, or the internet.

DON'T lie to the government.

DON'T engage in criminal conduct.



# Know your documents

## Passport

Keep it valid! Must have at least 6 months of time left on it.

If you change your name, get your passport changed.

## Visa

“Ticket” to enter the US.

Issued by the US Embassy only – including extensions.

Does not guarantee admission.

## I-20

Issued by the school; signed by the DSO.

Must get signed for travel.



# Know your documents

DS2019

Issued by the program; Signed by RO

Must get signed for travel

I-94 and entry stamp

[www.cbp.gov](http://www.cbp.gov)

I-797

Evidence of change of status or reinstatement.

EAD

Employment Authorization Document for Optional Practical Training or other authorization.



# Know your agencies

Department of State

The Embassy

Customs and Border Protection

The guys at the airport

USCIS

Process employment applications, change of status, reinstatement

Immigration and Customs Enforcement

The cops

SEVIS and SEVP

The database for F-1s and J-1s and the department of DHS that runs it.

Termination in SEVIS is serious.

Mistakes in SEVIS can cause delays and headaches.



# Maintain a Full Course of Study

When you are admitted to the US in F-1 or J-1, admitted “d/s”. “d/s” = duration of status.

For F-1 duration of status means while pursuing a full course of study.

Undergraduate students: generally must enroll for at least twelve semester hours or equivalent.

Graduate students: generally nine hours, or as determined by the graduate school.

You are not required to attend school during the summer.

Must maintain a full course of study during every session except school breaks or if approved in advance by DSO.



# Maintain a Full Course of Study

NEVER drop below a full load without permission of your DSO.

Permission to drop below a full load may be given for medical reasons as documented by a physician, academic reasons (one term only), or if you are in your final semester or term and need less than a full course load to graduate.

If you violate the requirements of your program or drop below full time without the advanced permission of your DSO, you will be terminated in SEVIS, will be DEPORTABLE, and you will have great difficulty obtaining new visas and/or reentry to the US.



# Engage in appropriate activities

For J-1, each category has a definition and expectations for the activities of the exchange visitor, which must be met. For example, a Student is expected to carry a full-time course of study, a Research Scholar or Professor is here to perform research or teach.



# Move Toward Completing a Course of Study

Make normal progress toward your degree/  
completing your program every semester.

Go to class.

Pass your classes.

If you are struggling, get to your DSO (not just your academic advisor) right away. It may be wise to change programs.



# Move Toward Completing a Course of Study

Do not withdraw without authorization from DSO. Will result in a SEVIS termination.

Enroll for the next semester. Failure to enroll can result in a SEVIS termination.

Keep up with eligibility to enroll such as financial obligations.

An absence from the US for five months or more is a disruption of course of study and requires new visa and I-20.



# Keep Your Address and Documents Current

Must advise DSO / RO of any change in address within 10 days.

If you change status/ make an application with USCIS, have obligation to notify USCIS of change of address within 10 days.

Keep I-20 or DS2019 valid.

Dates on the I-20 or DS2019 – NOT YOUR VISA – determine the period that you are authorized to be in the US.

Need new I-20 or DS2019 for extension of time to complete program, change in program, change in level, or transfer to another school.

Get I-20 or DS2019 signed for travel!

Keep passport valid.



# Work for F-1

On campus up to 20 hours a week.

when school is not in session, can be full time.

Off campus

After 1st year as determined by DSO

Economic hardship

Curricular Practical Training

Work/study, internship

If CPT is full time and you have one year or more of CPT, then post completion training is not available. If CPT is part time and you have two years or more of CPT, then post completion training is not available.

Must go through DSO



# Work for F-1

## Post graduation - Optional Practical Training (OPT)

Eligible for one year of OPT for each higher degree

Apply up to 90 days before graduation and up to 60 days after graduation

Don't need job offer to apply

Employment must be directly related to major field of study

Apply by filing Form I-765 with USCIS after authorized in SEVIS by ISA

Cannot begin working until authorization received

Authorization automatically terminated if you transfer to another school or begin study at another level

## 17 Month Extension (formerly STEM extension) of OPT

Students who earn bachelor's or higher in a science, technology, engineering or mathematics (STEM) field may receive one 17-month extension, for a total 29 months of OPT

Employer must enroll in E-verify (see [www.uscis.gov/E-Verify](http://www.uscis.gov/E-Verify))

Coding of program on I-20 determines eligibility – so make sure your code is correct.

## Unemployment may lead to violation of status

During OPT, maintenance of status depends on employment. Cannot accrue an aggregate of more than 90 days of unemployment (120 if in STEM extension)

periods of up to 10 days between the end of one job and the beginning of the next job will not be included in the calculation for time spent unemployed

**BECAUSE WORK VISAS ARE LIMITED, OPT MUST BE USED STRATEGICALLY. TALK TO DSO ABOUT TIMING ISSUES WHEN SCHEDULING GRADUATION DATES.**



# Work for J-1 Students

J student employment can be authorized by the RO for scholarship, fellowship, or assistantship ;  
on campus employment;  
off-campus in certain unforeseen economic circumstances.

The RO must authorize the student employment in advance, before the employment begins. Authorization can be granted in periods of up to 12 months at a time, although sponsors are free to grant authorization for shorter periods.

On campus – must be in good standing, limited to 20 hours a week except for breaks and vacation.



# Work

What counts as work?

Cash/money/ goods in exchange for toil/services

Getting paid “under the table”

Getting paid in cash

Self Employment

“helping”

But, they’ll never know about it?

Wrong, wrong, wrong

Lying to government will always make it worse



# Travel

Always notify your DSO or RO before you go/ make travel arrangements.

Must have valid F or J visa for reentry (except Canadians and as noted below).

Must have valid I-20 or DS2019 for reentry, and signed by DSO or RO for travel within last year

Must have valid passport for reentry with six months left of validity.

If going to Canada, Mexico, or adjacent islands for less than 30 days, **UNLESS** for visa application, may reenter with original I-94, ANY old expired visa in valid passport, and valid I-20, **EXCEPT** those from N. Korea, Libya, Sudan, Syria, Iran, Cuba, Iraq.

Keep original I-94 if going on short trip to Canada, Mexico or adjacent islands.



# Travel

Visa does not guarantee entry, so travel with  
Evidence of ability to meet financial obligations  
Copy of transcripts/ evidence enrolled in school

If you have to get a new visa,

Take care of it at the beginning of your trip; Embassies  
get backlogged at holiday.

Evidence of ability to meet financial obligations.

Copy of transcripts/ evidence enrolled in school.

Evidence of non-immigrant intent.

Be prepared for delays: security checks, certain  
countries, certain fields of study, any criminal history,  
prior violations.



# The Truth About Grace Periods for F-1

Upon completion of studies or OPT, will have a 60 day grace period to leave the US. Can apply for change of status or transfer during this time.

If withdrawing with permission, you have 15 day grace period.

If you have failed to maintain your status, you have no grace period.



# The Truth About Grace Periods for J-1

Upon completion of program, will have a 30 day grace period to leave the US. Can apply for change of status or transfer during this time.

If you have failed to maintain your status, you have no grace period.



**Just for J-1s**

**Must maintain Health Insurance**



# Overview: Criminal Activities with Immigration Consequences

Drug-related activities not resulting in conviction (drug trafficking and drug/alcohol abuse)

Security-related offenses, whether or not resulting in conviction (espionage, sabotage, terrorist activity)

Prostitution activities, whether or not convicted

Conviction for most crimes, engaging in drug trafficking, or claiming to be a US citizen, entail deportation, denial of future nonimmigrant visas, as well as denial of permanent residence.

Minor crimes, such as shoplifting, now may result in deportation, refusal of future visas, as well as denial of admission to the US.

Conviction of offenses relating to a spouse, domestic partner, fiancé, sweetheart, or child, such as violation of a protective order, stalking, domestic or child abuse, will result in automatic deportation, even if a misdemeanor, and even if charge not called “domestic violence”.



# Conviction

Immigration law defines convictions as

a formal judgment of guilt of the alien entered by a court or, if adjudication of guilt has been withheld, where—

a judge or jury has found the alien guilty or the alien has entered a plea of guilty or nolo contendere or has admitted sufficient facts to warrant a finding of guilt, and

the judge has ordered some form of punishment, penalty, or restraint on the alien's liberty to be imposed.



# All Arrests

Must be admitted in all immigration contexts and on all applications where question is asked

Probably will generate an NCIC “hit” (National Crime Information Center) which may delay visa issuance, be a problem at the port of entry, and delay approval of other immigration applications

Certain kinds of arrests – especially if alcohol or drug related – can cause problems at Embassy and border even if there is no conviction



# Possible Consequences of Criminal Activity

Inadmissibility

Deportability

Failure to maintain status

Ineligibility for adjustment of status and other immigration benefits



# Student's rights in the criminal process

Rights are not dependent on immigration status

Right to remain silent

Right to an attorney – public defender

Right to examine witnesses/ evidence

May not or may not be advised of immigration consequences of criminal conviction. May or may not be advised that plea/ adjudication counts as conviction for immigration.



# Reasons to terminate SEVIS records for F-1

Unauthorized withdrawal

Death

Unauthorized employment

Unauthorized drop below full course of study

Authorized drop below full course of study  
time exceeded

Change of nonimmigrant classification

Change of nonimmigrant classification denied

Expulsions

Suspension

Absent country for five months

Failure to enroll

Costs exceed resources

Transfer student no show

Denied transfer

Extension denied

Otherwise failing to maintain status

Violation of change of status  
requirements

Change of status denied

Change of status withdrawn

Change of status approved

Transfer withdrawn

No Show – manual termination

Authorized early withdrawal

No Show – system termination

School withdrawn



# Reasons to terminate SEVIS records for J-1

Failure to pursue EV Program Activities

Failure to maintain Health Insurance

Conviction of a crime

Disciplinary Action

Engaging in Unauthorized Employment

Violating Program

Failing to Maintain a Full Course of Study

Involuntary Suspension

Failure to Change Address



# Effects of SEVIS Termination

Real Time DHS notification

CEU evaluates the record and determines enforcement priority.

May not do anything at all, but.....

student who was terminated in SEVIS and picked up by immigration less than 6 hours after termination.



# What happens to a terminated student?

Certain profiles are almost always taken into custody. ICE will almost always determine that the student is not eligible for bond.

Student can request bond redetermination by a judge, but it may take a few weeks to get the hearing.

DHS will pressure/ encourage voluntary return



# What happens to a terminated student?

Student has option to have removability reviewed by an Immigration Judge – removal proceedings.

Reinstatement can be a valid defense to removal – BUT student is racing the removal clock and the docket of the Court

Student cannot leave before resolution of removal proceedings or may face in absentia removal order



If the student is lucky enough to avoid  
ICE and removal proceedings.....

Expect difficulty traveling

May have to pay new SEVIS fee

May not be eligible for automatic visa  
revalidation

(travel to Canada/ Mexico < 30 days)

If obtaining a new visa, will have to disclose  
prior violations which could affect issuance  
of a new visa.



# Reinstatement for F-1

A student who has failed to maintain F-1 status may apply to USCIS to be reinstated to lawful F-1 status. Reinstatement is only granted under the limited conditions specified at 8 C.F.R. § 214.2(f)(16).

Discretionary decision by USCIS.

Act quickly – file within 5 months or show good cause.

Not eligible if have engaged in unauthorized employment.

Depending on where you are from, where you are in studies, total facts may want to pursue reinstatement instead of depart and new entry.

**TALK TO YOUR DSO!**



# Reinstatement for J-1

Has to be initiated in SEVIS by RO

Best done within 120 days; must be done  
within 270 days



# Just for J-1

Be aware of 212(e) – the home residence requirement

Subject because of

- funding source
- skills list
- foreign medical grad

If subject, need waiver to change status (to most statuses) or become permanent resident.

Annotation on visa or DS2019 is not always correct. Get an Advisory Opinion.



# Parting Advice

Know your DSO or RO!

Don't get arrested. Don't be in situations that could lead to an arrest or trouble.

If you do get arrested/cited/ charged, talk to an immigration attorney and a criminal attorney right away.

Be careful about taking immigration and criminal advice from friends or the internet.

Be diligent with your documents and expiration dates.

Always check your I-94!

Plan ahead – know what comes next on your immigration journey.



# Keep the Fun in F-1

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