

Immigration Counseling and Legal Services for International Students

UNIVERSITY OF MINNESOTA



University Student Legal Service

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International students attending the University of Minnesota have either a J or F visa as a basis to enter and remain in the United States. It is of the utmost importance for the student to follow all requirements pertaining to either visa, in order to remain in the United States legally.

The International Student and Scholar Services office (ISSS) is the best resource for specific information on F and J visa requirements. However, in circumstances where the student wishes to explore alternatives to student visas, has questions about employment, family or marriage-based adjustment, seeks to waive foreign residency requirements associated with certain J visas, or otherwise needs representation in INS matters, the University Student Legal Service office (USLS) can help. Contact USLS at (612) 624-1001 to schedule an appointment or referral.

Please remember that USLS provides legal representation and/or advice in many other areas of law, including family, criminal, landlord/tenant and consumer. To be eligible for service, you must be a currently enrolled student paying the student service fee.

F-1 VISA STUDENTS

On Campus Employment

F-1 visa students who are maintaining a full time course of study can work on campus part time (20 hours per week maximum) during the academic year and full time during the summer months and any periods when school is not in session. No special permission or document is needed to give you permission to work on campus.

Off Campus Employment

F-1 visa students must obtain prior authorization from the INS before working off campus. Off campus employment opportunities include:

1. Optional Practical Training (OPT) - allows students to work for up to a total of twelve months in a job related to their field of study.
2. Curricular Practical Training (CPT) - allows a student to work before graduation in an internship or practicum related to their field of study.
3. Off Campus Employment Due To Severe

Economic Hardship - allows students who encounter an unforeseen severe economic hardship after completing one academic year in F-1 status can apply to the INS for permission to work off campus.

Remember, it generally takes the INS around three months to reply to any application for off campus work.

Employment of Dependents - F-2 dependents of students may not accept employment or engage in business under any circumstances.

Duration of Status (D/S) - An F-1 student's permission to stay is defined as "Duration of Status." It appears on the I-94 (your permit to stay in the U.S.) as D/S and relates to the expected date of program completion (check item #5 on I-20 (the Certificate of Eligibility for non-immigrant student status)). Students must file for an extension of program at least one month before this date expires.

J-1 VISA STUDENTS

Employment while in "J" exchange visitor status depends upon the terms of the program. Participants in programs which provide for on-the-job training, teaching, research, or other activities which involve paid employment may accept such employment. Dependents with the derivative J-2 status may apply to the INS for authorization to accept employment in the U.S.

Certain "J" exchange visitors who participate in programs which were financed in whole or in part, directly or indirectly, by an agency of the U.S. Government or by the exchange visitor's government, or who are nationals or residents of a country which have been designated by U.S. Information Agency (USIA) as requiring the skills of the exchange visitor, must return to their country of nationality or last residence after completing their program in the United States, and reside there physically for two years before they may become eligible to apply for an immigrant or temporary worker visa. This is known as the foreign residency requirement (See, Immigration and Naturalization Act, §212(e)).

Waivers of the foreign residency requirement, although exceedingly difficult to obtain, are available. For more information on foreign residency requirement waivers, please contact USLS.

IMPORTANT INFORMATION FOR ALL INTERNATIONAL STUDENTS

Travel - Students planning to leave the U.S. and then re-enter in their student status need a valid passport, a valid visa stamp from a U.S. consulate or embassy (unless visiting Canada or Mexico for a period of less than 30 days), and an I-20 with a recent International Student Adviser's endorsement on page 4 (less than 6 months old at time of re-entry). Students should always be prepared to verify their finances.

Visa regulations / maintaining status - Abide by all regulations of whichever visa you have. Violating the law, falling out of status by working outside of visa restrictions, staying beyond your duration, or failure to make progress through your academic program can not only result in having to leave the U.S., but can also affect your ability to return.

For help, call University Student Legal Service for an appointment.

All persons shall have equal access to USLS services, programs, and facilities without regard to race, color, creed, religion, national origin, sex, age, marital status, disability, public assistance status, veteran status, or sexual orientation. Any individual needing special accommodations should contact USLS.

In Brief

USLS has a full-time staff of attorneys, legal assistants, and support staff to help students with legal problems. Any University of Minnesota Twin Cities student who is currently paying the student services fee is eligible. USLS can handle cases in the seven-county metro area.

USLS can help with the following:

- ▶ Landlord/Tenant
- ▶ Collection
- ▶ Consumer Problems
- ▶ Employment
- ▶ Immigration
- ▶ Family Law
- ▶ Misdemeanors/DUI
- ▶ Name Changes
- ▶ Power of Attorney
- ▶ Wills

To make an appointment, please call our office at 612/624-1001. The receptionist can explain our eligibility requirements, answer questions about the scope of our practice areas, and refer you to other services or agencies that might be able to help.

Please note that USLS cannot take cases where the adverse party is the U of M or any of its departments, staff, or students.

Please see the *USLS Handbook* for the full text of all USLS client policies.

Remember: The law changes often and each case is different. This brochure is meant to give you general information, not specific legal advice.

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