This brochure is meant as a guide to some of the issues that face international graduate students. We hope that this will assist you in having a context that can help when advising international students. Please rely on our office, or web site, for any and all assistance and advice when it comes to immigration issues relating to international graduate students.

Departments are encouraged to consult with the Bechtel International Center (I-Center) if there are any questions regarding any of the following issues: visa type, funding requirements, work on- and off-campus and accompanying family members.

As this is meant as an overview we are not providing detailed information on, for example, the federally mandated tracking system, SEVIS. In addition we use the generic term “immigration service” to refer to all the various federal agencies. The I-Center web site has detailed information on all of these issues as well as updates about recent regulatory changes. If you would like more information please contact us. We are also delighted to come to departmental meetings.

**A Caution About Where Students Obtain Advice**

Many Internet sites claim to provide immigration advice to international students studying in the U.S. Students will sometimes follow this advice, or advice they receive from friends. This advice is often erroneous and does not take into account either Stanford policy or Stanford’s interpretation of immigration regulations. Students should always be encouraged to come to the I-Center with any questions about their immigration status. We also provide regular email updates to students to notify them of regulatory changes or other issues that may affect them.

**What is a Visa?**

**Definition** - a multi-colored ink stamp or a machine-readable label placed on the page of a passport to allow entry to the U.S. (see example below). This can only be issued by the State Department outside of the U.S.

**Also used** - to refer loosely to the larger concept of “visa type”, as in “what kind of visa are you on?” or “I have a J-1 visa.”

**Incorrectly used** – to refer to documents associated with nonimmigrant status such as an I-20 or DS-2019. These documents have separate uses and purposes, and it causes confusion when they are generalized into the idea of “visa.”

The visa status an individual is given upon entry (based on the type of visa in the passport, the intentions of the entrant, and the documentation he or she carries at the time of entry) may subsequently be changed; it is extremely common to encounter this at Stanford.

A student’s visa status or length of authorized stay, is determined by looking at the I-94 card, (about which more will be explained in the next section), not the visa in the passport. A student can legally remain in the U.S. if their visa has expired but their I-20/DS-2019 and I-94 card are valid.
Further information on immigration issues and services provided by the I-Center, including international graduate orientation, can be found on our web site at http://icenter.stanford.edu

July 2010
F-1 or J-1?

The majority of international students at Stanford use either the F-1 or J-1 category of nonimmigrant visa status to accommodate their entry, stay, and receipt of financial assistance, if any. In a day-to-day context, there is no perceptible difference between the two visas. There are, nevertheless, distinctions to be observed. The majority of international students are here on F-1 visas.

**F-1 Student Status**

**Can F-1 Students Work On and Off Campus?**

F-1 students are limited to 20 hours of work on campus each week, inclusive of an RA or TA, while school is in session. During the quarter recess, however, they may work full time on campus or up to the maximum allowed by their department if they are received any funds. They are also permitted to work full time off campus during the quarter recess if they have completed one academic year in F-1 status and have the necessary off-campus work permission from the Immigration Service or, in some cases, from the I-Center.

The types of off-campus work permits available to F-1 students are:

1. **Curricular Practical Training (CPT):** This is defined as off-campus employment that is undertaken as part of a student’s academic program. Students must have been in valid F-1 (D/S) status for the academic year (9 months) before applying for Curricular Practical Training. Students must sign up for a Curricular Practical Training course that meets the requirements of the Immigration & Naturalization Service, and apply for authorization from the I-Center. Part-time (i.e., 20 hours or less per week) Curricular Practical Training is not deducted from Optional Practical Training. There is no limitation upon the length of time you may participate in full-time Curricular Practical Training but if you participate for twelve months or more, students will not be eligible for Optional Practical Training. This type of work permit is issued by the I-Center in 5-10 working days.

2. **Optional Practical Training (OPT):** Work with this type of permit (which can only be used after the student has been in full-time student status for an academic year) must be directly related to the student’s field of study and commensurate with the student’s educational level. The maximum amount of Optional Practical Training initially available is 12 months (some students are eligible for a STEM extension of another 17 months after the first 12 months have been approved). Full time Optional Practical Training can be taken: a) during the student’s “vacation quarter;” b) after the student has completed all coursework except the thesis, or c) after graduation. Part time Optional Practical Training (20 hours or less) can be taken during the academic year if the student’s TOTAL on/off campus employment does not exceed 20 hours per week. Part time Optional Practical Training will be deducted from the available Optional Practical Training at one half the full time rate. Students must submit documentation to the I-Center for endorsement and receive the Employment Authorization Document (EAD) from the USCIS before beginning employment. The EAD can take 90-120 days for approval and processing. A student does NOT need a job offer in order to apply for optional practical training because the authorization is not employer-specific. If students have a degree in Science, Technology, Engineering, and Math (STEM), and if their employer is in the E-Verify system, they may be able to apply for 17 months extension of their post-completion Optional Practical Training.

3. **Internship with an International Organization:** This work authorization may be granted if the employment is based with a “recognized” international organization (i.e. World Bank, United Nations). Students are required to receive an Employment Authorization Document (EAD) from the USCIS before they begin their employment. This permit is issued by the immigration service in 3-4 months.

4. **Economic Necessity:** Students are eligible only if the economic need is caused by unforeseen circumstances beyond the student’s control. This type of work authorization permit requires that students make a good faith effort to locate employment either on or off-campus. Students are required to receive an Employment Authorization Document (EAD) from the immigration service before beginning employment and this can take 3-4 months.

**What is an F-2 Visa?**

The immediate family members of an F-1 student will receive F-2 status. Persons with F-2 status are NOT eligible for work authorization and cannot enroll at colleges for other than an incidental course. Before enrolling full time an F-2 visa holder must have changed status to F-1.

**J-1 Exchange Visitor Student Status**

Further information on immigration issues and services provided by the I-Center, including international graduate orientation, can be found on our web site at [http://icenter.stanford.edu](http://icenter.stanford.edu)  

July 2010
• The Exchange Visitor program is designed by Department of State to foster and encourage international educational and cultural exchange, and as such students, professors, au pairs, medical and vocational trainees and people with various other objectives are accommodated. **STUDENTS WHO RECEIVE MORE THAN 50% OF THEIR FUNDING FROM PERSONAL OR FAMILY SOURCES ARE NOT ELIGIBLE FOR THE J-1 VISA.**

• Exchange Visitors may not change to any other J-1 category within the U.S. **IT IS VERY IMPORTANT FOR DEPARTMENTS WHO WISH TO ADMIT A VISITING SCHOLAR TO A DEGREE PROGRAM TO FIRST CHECK WITH THE INTERNATIONAL CENTER.**

• Some students in J-1 status are sponsored by other organizations such as the Institute of International Education. In such cases, students must consult with their sponsoring organization, NOT the I-Center regarding work, travel and other requests.

**Can J-1 Students Work On or Off Campus?**

J-1 students may work up to 20 hours per week on campus, after receiving employment authorization from their Responsible Office (in most cases, the I-Center), inclusive of an RA or TA, and full-time during periods of recess.

Off-campus work permission is granted by the International Student Advisor in the event of demonstrated financial need arising one year after initial admission or based on “academic training”. J-1 students who have completed a degree program may request eighteen months of academic training, during which time they are allowed to work off-campus in their field of study.

**What is the J-1 Home Country Residency Requirement?**

This requirement stipulates that once the purpose for which the J-1 came to the U.S. is completed then the individual needs to return home for a total of two years before returning to the U.S. in either H or Permanent Residency status.

The Home Country residence requirement is usually applied to:

- Students from developing countries, to prevent “brain drain”
- Students who have received Fulbright awards/travel grants
- Students who have received funding from their home country.

While waivers are available in certain cases, they are not issued automatically. J-1 students who are subject to a residence requirement will be unable to change their status to H-1 after completing their degree program and any academic training. Bechtel is not involved in the application process for waivers to this home country requirement. Such applications are a personal decision. More information about this requirement can be found at: [http://travel.state.gov/visa/temp/types/types_1267.html](http://travel.state.gov/visa/temp/types/types_1267.html) - 15

**What is a J-2 Visa?**

The immediate family members of a J-1 Exchange Visitor will receive J-2 status. They are eligible to request work authorization from the immigration service after arrival but cannot work until approval is received from USCIS. J-2s are also eligible to enroll in any kind of courses.

---

**Who issues DS-2019s and I-20s?**

When a student accepts an offer of admission and provides the necessary evidence of financial support, s/he indicates in the documentation whether s/he wants a visa certificate of eligibility for F-1 or J-1 status.

All I-20s and DS-2019 documents are issued by Bechtel International Center.
How are Visas obtained?

The application for a visa requires the individual to submit a passport, the application form, discretionary required materials and a fee to the U.S. Consul. There will also be an interview of short duration. If the applicant appears to meet the basic requirements for the visa type being applied for, the visa stamp will be put in the passport.

The Consul will not grant a visa if it is suspected that the applicant intends to pursue activities that are not consistent with the visa type being applied for or if legitimate nonimmigrant intent does not exist. The Consul may require evidence such as property, employment or family ties to determine if the applicant has intention to return to their home country when his or her activities in the U.S. are completed.

It is not unusual for students to encounter difficulty at this stage, and many departments have received frantic calls with news that their student has been denied a visa. Departments should consult with the I-Center in this event.

There are a number of reasons why a visa request may be denied or delayed

- A Consular officer may believe that a student is not demonstrating sufficiently strong ties to his or her home country. Some countries have a high rate of “non-return” making it difficult for students to get a visa.
- A Consular officer may not be convinced by the amount of funding a student can show to cover the cost of studying in the U.S.
- If students are in specific fields of study that are deemed, by the U.S. Government, to be those where technology transfer is seen as a problem, a Consular officer may delay the issuance of a visa while a check is done with the State Department in the U.S. or more information is received from the U.S. institution. In addition students from countries with which the U.S. does not have the best of relationships may have problems obtaining a visa.
- If students are from countries deemed “unfriendly” to the U.S. or included in any list of “terrorist” countries then visa issuance can be delayed.
- Visa issuance can also be delayed or denied if students have previous alcohol related charges in the U.S.

Visa delays can also occur to continuing students when they leave the U.S. and need to obtain a new visa for re-entry. Please contact the I-Center when one of your students finds that their visa issuance has been delayed. While we cannot guarantee that will be able to solve this issue we do provide information to the Department of State.

SEVIS Fee

- All new F-1 students and J-1 students and scholars who receive Stanford documents dated on or after September 1, 2004 are subject to the fee ($200 for F-1 holders and $180 for J-1 holders as of 10/27/08).
- The fee is in addition to other visa fees and must be paid before the visa application is submitted.
- While this affects primarily new students and scholars who are abroad and scheduled to begin programs in F-1 or J-1 status in the future, some individuals who are currently in the United States and seek a change from their present status to F-1 or J-1 are required to pay the fee.
- SEIS fee can be paid by 1) check or money order drawn on a U.S. bank or 2) on-line credit card payment at the DHS web site. Third parties are allowed to make payments on behalf of an applicant using either of these 2 types of submission;
- More information about SEVIS fee can be found at:
  - http://www.ice.gov/sevis/i901/
What proof of funding is required for international students?

Newly admitted students must demonstrate, both to Stanford and U.S. consulates overseas, the financial wherewithal to fund their education. In many cases, departments agree to provide financial aid for graduate students. These arrangements and agreements must be made between the prospective student and the target department; the I-Center plays no intermediary or other role in the disbursement of financial aid, just as it has no part in the admission or awards process.

Before issuing an I-20 document for new international graduate students Bechtel will need to see evidence of funding for the first academic year. Before issuing a DS-2019 Bechtel will need to see evidence of funding for the entire length of the academic program.

Students who are extending their stay or changing degree levels must also show evidence of future funding and request new I-20 or DS-2019 in a timely manner.

Admitted students who lack the necessary resources should NOT arrive on tourist visas for the purpose of attempting to discover sources of funding after arrival. The I-Center has no funds to support graduate study at Stanford. Students overseas can be referred to a book published by the Institute of International Education: Funding for U.S. Study: A Guide for Foreign Nationals. This publication can often be found in U.S. Embassies and educational advising offices overseas.

Entry into the U.S. – What happens at the Port Of Entry?

- Students are not allowed to enter the U.S. more than 30 days prior to the start date indicated on their I-20/DS-2019.
- At the U.S. port of entry, the individual will be inspected by an Immigration Official from the Department of Homeland Security. This official will check the passport for validity and a proper visa in the passport, and will usually ask a few questions intended to elicit facts relevant to the application for entry. As well as asking to inspect the I-20/DS-2019.
- The person may be asked to demonstrate that he or she has sufficient funds for the period of stay requested, and may be asked to produce documentation substantiating the request for entry in a particular visa status.
- If everything is in order, the immigration official will give the individual an “Arrival-Departure Record”, otherwise known as an I-94 card. This card is a vital piece of documentation, because it represents permission to be in the United States in a particular status. The I-94 card bears information as to the name and date of birth of the alien, the date and place of entry into the U.S., and the date to which the nonresident is permitted to stay in the U.S. This card is frequently marked F-1 D/S or J-1 D/S, where D/S means Duration of Status. Changes of visa status, extensions of stay, some employment permission and benefits accorded subsequent to the original entry are recorded on the I-94 card. It is also very important that students files out I-94 as clearly and consistent with their personal information on the passport. Any discrepancies in their personal information can later cause problems when obtaining Social Security Number or Driver’s License.

Please note this program for tracking entry and exit of non-immigrants.

- U.S. VISIT: The US VISIT system tracks the flow of most nonimmigrant visitors to the United States, by taking a digital photograph and scanning the two index fingers (10 digits at certain ports of entry) of each arriving international visitor. US VISIT records the entry and exit (at select ports of entry) of all visa holders. US VISIT on the web: http://www.dhs.gov/files/programs/usv.shtm
What are some issues affecting international student employment?

- Prospective students should not intend to fund their education through employment.
- Student visas provide only for 20 hours of on-campus employment under normal circumstances (Teaching and Research Assistantships count toward this 20 hour maximum). It is important for departments to understand this regulation in that it supplants the University policy of allowing graduate students to work 8 hours beyond a 50% RA or TA. In other words international graduate students who have 50% RA/TAs CANNOT then take on extra work as graders.
- This regulation renders international students with 50% RAs/TAs ineligible for off-campus work authorization during the academic year.
- Working beyond the allowable 20 hours per week during the Academic Year will cause the student to IMMEDIATELY forfeit their legal status in the U.S.
- Off campus employment not associated with the academic program is available only in circumstances of demonstrated financial need in the case of J-1 students. In the case of F-1 students most off campus employment must be directly related to the students’ field of study. Rarely will the USCIS issue work permission based on economic necessity.
- F-1 visas cannot be issued by Stanford for new Post-Doctoral students as such students work more than the twenty hours per week allowed under the F-1 on campus visa regulations. However, F-1 students approved for Practical Training may be full-time Post-Docs. Post-Doctoral students usually come to Stanford on a J-1 visa.

What do Departments need to know about the I-9 for international students?

In accordance with federal law, all recipients of a Stanford stipend must demonstrate eligibility to receive those funds. For international students, this means that an appropriate nonimmigrant category, such as F-1 or J-1, must have been granted by the Immigration Service.

Most problems with I-9s occur when students arrive in the United States without the proper visa status. Non-citizens who are not authorized to be employed may not receive payments. In addition, changes of status, extensions and other applications must be undertaken in a timely fashion in order to preserve the student’s eligibility to be employed.

The responsibility for verification of documents and completion of the I-9 lies with departments. The I-Center cannot grant or recommend exceptions to the provisions of the 1986 Immigration Reform and Control Act. There are some provisions for continued employment while applying for extensions and the I-Center can provide information in this area.

Do international students have to pay taxes and where can they get help?

Graduate student stipends and tuition grants are normally taxable by the federal and state governments. For the citizens of certain countries, treaties may exist that provide exemption from federal income taxes; the Controller’s Office has further information on tax treaties. At appropriate times during the year the I-Center holds tax advice sessions and we also make tax software available for students and scholars. The I-Center does not give tax advice, assist in completing forms, or provide treaty applications. We do offer a web page with basic tax information: [http://icenter.stanford.edu/taxes/tax_info.html](http://icenter.stanford.edu/taxes/tax_info.html)

Further information on immigration issues and services provided by the I-Center, including international graduate orientation, can be found on our web site at [http://icenter.stanford.edu](http://icenter.stanford.edu)  

July 2010
How do international students obtain Social Security numbers?

F-1 students who wish to obtain a Social Security can only do so with evidence of employment.
  • RAs and TAs count as employment for the purposes of obtaining a Social Security Number, but those students receiving fellowships and scholarships for which no work is required cannot obtain a Social Security Number. Such students will have to obtain ITIN numbers.
  • F-1 students who work off campus with appropriate work authorization are also eligible for a Social Security number.

At the time of writing, J-1 students remain eligible for a Social Security Number without the necessity of employment.

J-2 visa-holders qualify for a SSN only after having obtained a work permit (EAD) from the immigration service.

The I-Center web site has further information on the application process, and necessary supporting documents: http://icenter.stanford.edu/quick_reference/soc_sec.html

Do F-1 and J-1 students need to take a Full Course Load of study each quarter?

All F-1/J-1 students need to register for full course of study during academic term. This means that graduate international students are required to take at least 8 units (unless the department requires more units) at Stanford. TGR students are considered full time as long as they enroll in the appropriate TGR course. International graduate students can take less than a full course load only in their last quarter or for properly documented medical reasons (and the latter is limited to a maximum of one academic year). Students who need to be at less than full time MUST receive permission from the I-Center before they drop below full time.

How does Annulment of Registration/Leave of Absence affect international students?

Students who wish to annul their registration or take a leave of absence should be aware that the I-Center will not approve such petitions if doing so will retroactively or proactively allow the student to be in the United States in violation of his/her nonimmigrant status. While it is not unusual for students to take a leave of absence for employment, personal or academic reasons, F-1/J-1 students may not remain in the United States during that time, UNLESS THE REASONS ARE HEALTH-RELATED AND APPROVED BY THE STUDENT DISABILITY RESOURCE CENTER. In such cases, the student must provide the I-Center with the appropriate medical documentation.

Students must be registered full time three consecutive quarters out of four in order to remain in compliance with the terms of their F-1 or J-1 visas; the quarter of non-registration may be other than the summer quarter, but the subsequent summer quarter cannot, then, also be taken off.

How do students apply for Extensions of Stay?

If F-1/J-1 students who find it necessary to remain in an academic program beyond the completion date indicated in section #5 of the I-20 (F-1) or section 3 of the DS-2019 (J-1), MUST apply for the extension at the I-Center BEFORE that completion date. Failure to do this WILL result in a student being out of status in the U.S. The I-Center website has instructions on how to apply for an extension.

It is the responsibility of the student, not the I-Center, to initiate an extension of stay, though the I-Center does send out numerous reminders. Departments wishing to assist students in keeping track of this very important aspect of their stay should contact the I-Center for advice on how to determine I-20/ DS-2019 expiration dates.

It is important to note that an extension cannot be provided if the reason for the extension is to complete a degree delayed by an Honor Code sanction.
What does being "Out of Status" mean when applied to F-1 or J-1 students?

Students on a visa do not have the same flexibility as American students or permanent residents. There are a number of ways that a student can be considered “out of status”

- Not taking a full course load each quarter
- Not extending their I-20 or DS-2019 before the expiration date on the form.
- Working without authorization
- Working more than 20 hours a week during academic terms
- All J visa holders must maintain medical insurance for themselves and dependents

The I-Center has no ability to retroactively put someone back in status who falls out of status. There are only two ways that a student can be returned to status

- Apply to the Immigration Service for reinstatement. The student cannot work either on or off campus until the Immigration Service approves the re-instatement request.
- Leave the country and re-enter. If a student does this he/she would then have to wait for an academic year before becoming eligible for permission to work off campus

What should students do if they wish to travel outside of the U.S.?

Students who travel outside of the United States should have a valid travel endorsement on the page 3 of I-20 or page 1 of DS-2019. Travel endorsement is valid for one year (if F-1 students are on post-completion OPT, the travel signature is only valid for 6 months). All travelers who plan to re-enter the U.S. require a (1) valid passport, (2) a new or properly endorsed valid I-20 (for F-1 visa holders) or DS-2019 (for J-1 visa holders), and a (3) valid F-1 or J-1 visa stamp.

After initial entry to the U.S., persons who have single-entry or expired multiple-entry visas may re-enter the U.S. without obtaining a new visa under the following conditions:

- Their travel is solely to a contiguous territory (Canada or Mexico) or adjacent islands (excluding Cuba) and their travel is for a period not exceeding 30 days.
- The student has retained the I-94 card
- The student's I-20/DS-2019 has been properly endorsed
- The student has not applied for a new visa at the U.S. consulate with the result of that application being either a denial or a delay of more than 30 days
- The student has an valid EAD card and an employer's letter showing evidence of employment or a job offer if on F-1 post-completion practical training
- The student is not a citizen of Iran, Iraq, Libya, Sudan, North Korea, Cuba, or Syria

How are international non-matriculated students/auditors handled at Stanford?

Students who wish to attend Stanford but who do not wish to pursue a degree program may seek registration as nonmatriculated students or auditors. Nonmatriculated students pay full tuition and receive credit and transcripts for their work, and are accepted by the Office of Graduate Admissions.

Auditors are allowed to sit in on most classes, but do not receive credit or a transcript. The I-Center and the Office of Graduate Admissions issue I-20/ DS-2019 for students who wish to come to Stanford in these categories, but the Office of Academic Standing grants the status of auditor.

Who is a Visiting Researcher?

Sometimes faculty or departments invite students from overseas, who are in doctoral programs in that country, to come to Stanford to undertake some research for their degree. These students are referred to as Visiting Researchers and need to be approved by the Registrar’s Office before the I-Center can provide immigration documents (usually DS-2019). The Office of Foreign Scholar Services issues these documents. There is a Stanford fee to be a Visiting Researcher as well as a maximum allowable time in this category.
SERVICES THE I-CENTER DOES NOT PROVIDE

- **INDIVIDUAL TAX ADVISING**
  Most International Offices in the U.S. do not provide individual tax advice. The laws are as complex as those for immigration and involve knowledge of residency requirements, tax treaties etc. The Controllers Office can provide some basic information on tax issues. In winter and early spring quarter the I-Center does offer tax workshops and provides some web-based resources. It is our intention that these resources will allow international students and scholars to complete their tax forms.

- **PERSONAL IMMIGRATION COUNSELING**
  Advisors at universities, who are not lawyers, have to be careful of “practicing law without a license.” This means that there are some issues that are best directed to immigration attorneys. Examples would be: U.S. citizen faculty members who marry non-U.S. citizens; students and scholars who are here at Stanford on legitimate visas but who wish to apply for the Visa Lottery program; students on F-1 or J-1 visas who are interested in obtaining “green cards”; students who wish to bring partners to the U.S.

- **COUNSELING ON INDIVIDUAL INSURANCE POLICIES**
  The I-Center does NOT endorse any insurance plan for international students other than the Stanford student health plan. We recommend that all international students sign up for the Stanford student plan and also purchase insurance for their accompanying family members. Students on J-1 visas have to have adequate health insurance. Often they obtain this before they travel to the U.S. The I-Center does have numerous brochures on health insurance for visiting scholars and family members.

- **HOUSING FOR VISITING SCHOLARS**
  The I-Center has never provided assistance to visiting scholars in locating local housing. It has been Stanford practice that the host department will provide some assistance to scholars in locating resources for local housing opportunities.

- **FUNDING OPPORTUNITIES FOR INTERNATIONAL STUDENTS TO STUDY AT STANFORD**
  The I-Center does receive a number of requests each year for assistance in obtaining funding to study at Stanford, both from prospective students and from students who are already enrolled. While there are a number of resource books on scholarship aid the cost of attending Stanford makes it very unlikely that students are going to be able to locate outside funding (other than, for example, Fulbright and Rotary grants, both of which have to be applied for before coming to the U.S.) to cover the costs of attending Stanford. The I-Center also does not have any emergency loan funds.

If you have any other questions, please contact:
Bechtel International Center, Stanford University
584 Capistrano Way
Stanford, CA 94305
Phone (650) 723-1831 | Fax (650) 725-0886
Web site: http://icenter.stanford.edu