



# The International Student Handbook

*(A guide for F-1 Students)*



Provided by:

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# Table of Contents

Introduction ... p.3

SEVIS: What it is ... and what it means to you! ...p.4

Maintaining lawful student status in the United States ...p.5

Employment ... p.6

Curricular Practical Training ... p.7

Optional Practical Training ... p.8

Extension of Stay to continue in the same academic program ... p.9

Transfer Information ... p.10

Reinstatement ... p.11

Applying for a Social Security Number ... p.12

How to reenter the United States after traveling ... p.13

Health insurance ... p.14

A Brief Tax Overview for International Students ... p.15

Important tips ... p.17

Definitions ... p.18

# Introduction

It is recommended that you thoroughly read this publication. The International Student Advisor/DSO will gladly assist you with any questions you have regarding your status. However, **please note that the responsibility of making certain that you are following any and all United States Citizenship & Immigration Services (USCIS) policies/procedures necessary to maintain lawful status and/or accessing benefits of such status is ultimately yours.**

- ◆ **Working without proper authorization is considered by the USCIS to be the most serious violation of its regulations.** It is important, therefore, that you consult the International Student Advisor/PDSO before you accept an offer of employment or begin to work. If you are eligible, the International Student Advisor/PDSO will assist you with your application for employment authorization.
- ◆ **Make sure that you maintain your own status by alerting the International Student Advisor/PDSO to any changes that may arise with your status.**
- ◆ **If you change programs of study or levels of study, you must notify the USCIS or the State Department. Please see the International Student Advisor/PDSO for further information. If you need additional time to complete your current program, you must apply for an extension before the completion date on your I-20.**

## SEVIS (Student Exchange Visitor Information System)

SEVIS serves as an on-line tracking system for International Students (F-1, J-1 and M-1 Visa holders, and their dependants F-2, J-2 and M-2 Visa holders). SEVIS became operational in July of 2002. Through SEVIS, colleges and universities enter and update various data regarding the International Students who have been issued Form I-20's by their institutions.

Therefore, all of the vital information pertaining to you and your F-1 Status will be updated regularly on the SEVIS database. This includes but is not limited to: change of address, change of name, change of major, dropping below full-time enrollment, practical training, illegal employment and non-enrollment. These and other occurrences are considered "Reportable Events" and Delhi College is mandated to report these events, and **you are required to keep the International Student Advisor informed at all times to any of these changes in your individual status so that they remain accurate on SEVIS.**

The United States Citizenship and Immigration Services (USCIS) has complete access to your information via SEVIS. Additionally, an immigration officer will receive a notice via email and/or an alert anytime a significant change is made to your SEVIS records. SUNY Delhi will also receive notices and/or alerts from the USCIS via Email regarding significant events. This is intended to assist you in properly maintaining your F-1 Status.

# Maintaining Lawful Student Status in the United States

In order to be eligible for and receive all the benefits that the USCIS provides to International Students (practical training, etc) it is necessary to maintain lawful status in the United States. **To maintain lawful F-1 status you must:**

- ◆ Keep your passport valid.
- ◆ Have a valid SEVIS issued Form I-20.
- ◆ Maintain full time enrollment during the Fall and Spring Semesters (a minimum of 12 credit hours per semester).
- ◆ Demonstrate normal progress toward completion of your degree or educational objective.
- ◆ Accept **no** employment of any kind with out proper authorization from the International Student Advisor/PDSO or the USCIS.
- ◆ Make certain that you inform the International Student Advisor/PDSO of any legal changes to your name or any changes to you physical address (the PDSO must have your current physical address). **These changes must be reported to the International Student Advisor/PDSO within ten days of the change.**

## FULL-TIME ENROLLMENT

Non-immigrants who are in the United States on F-1 Visas are required to maintain full time enrollment during both the fall and spring semesters (a minimum of 12 credit hours per semester). In order to maintain lawful F-1 Status you **MUST HAVE THE APPROVAL OF THE INTERNATIONAL STUDENT ADVISOR/DSO BEFORE YOU REDUCE YOUR COURSELOAD BELOW 12 CREDIT HOURS FOR ANY SEMESTER.**

## LEAVE OF ABSENCE FROM SCHOOL

It is important to understand that **the primary reason why an F-1 Visa holder is in the United States is to be a student.** If they are not enrolled as a student during the academic year (Post-Completion Optional Practical Training notwithstanding), then they are not engaged in the activity for which they were issued a United States Visa and they are therefore out of status.

This means that while the College can grant a student an Academic Leave of Absence, the BCIS does not recognize an Academic Leave of Absence. However, under certain academic circumstances, the DSO can authorize a student to drop below a full course of study. Such authorization allows the F-1 Student to drop below a full course of study while maintaining in lawful F-1 Status. Additionally, while the College can grant a student a Medical Leave of Absence, the BCIS does not recognize a Medical Leave of Absence. However, under certain circumstances with specific documentation, the DSO can authorize a student to drop below a full course of study (or if necessary, carry no course load). **If you are thinking about reducing your course load to below 12 credit hours due to medical or academic reasons, or if you are considering taking a Medical or Academic Leave of Absence, you MUST meet with the International Student Advisor/DSO prior to doing so to discuss your specific situation, your options and your responsibilities.**

# EMPLOYMENT

**IMPORTANT NOTE:** You are required to have a Social Security Number to engage in ANY employment (see the section "Social Security Numbers" for more information) within the United States.

Employment for F-1 Students is divided into two main categories: On-campus or Practical Training (Off-campus). Any F-1 Student can engage in on-campus employment once they obtain a social security card.

## ON-CAMPUS EMPLOYMENT

**Definition:** Employment on the school premises, with any firm that provides *direct* services to students or with any "educationally affiliated" location. Employment does not have to be directly related to the student's program of study. **While engaged in on-campus employment, a student may not work more than twenty (20) hours per week while school is in session. When school is out of session, a student may work in excess of twenty (20) hours per week. INS authorization is NOT required for on-campus employment. If you are working on campus, please inform the International Student Advisor/DSO.**

## PRACTICAL TRAINING

**Definition:** Employment that is directly related to the student's program of study, the express purpose of which is to provide the student with the opportunity to apply their knowledge and skills [learned in their program of study], as well as provide them with the opportunity to expand their knowledge and skills through "hands on" experience.

## Curricular Practical Training (CPT)

### **What is Curricular Practical Training?**

Curricular Practical Training (CPT) is a type of off-campus employment authorization that enables international students in F-1 visa status to take part in an internship, Co-op, or practicum which is integral to their curriculum.

### **Who is eligible for CPT?**

Your curricular major **MUST** require an internship for graduation in order for you to qualify for CPT authorization. You **MUST** have been enrolled as a **full-time student and in legal status in the United States for at least ONE YEAR**. You also **MUST** have a job offer (in writing) for an internship from a specific employer with established beginning and ending dates **PRIOR** to applying for authorization.

### **How do I apply for CPT?**

To apply for CPT, submit the following information to the International Student Advisor. *Please note that applications will ONLY be accepted during Office Hours*

- Proof of registration of class requiring internship (ex. HOSP 435)- transcripts are available at the registrar's office
- 1 Photocopy **all previous I-20 forms**
- Academic Advisor's recommendation letter

**YOU CANNOT BEGIN OFF CAMPUS EMPLOYMENT OF ANY KIND UNTIL YOU HAVE RECEIVED AUTHORIZATION ON YOUR I-20 FORM FROM THE INTERNATIONAL ADVISOR.**

### **Please Note:**

- If you plan to complete CPT *after* the program completion date listed on your I-20, you will need a program extension
- Once you have applied for CPT, it could take up to 3 weeks to get approved. **HAVE YOUR APPLICATION COMPLETED AND SUBMITTED AT LEAST 30 DAYS IN ADVANCE TO AVOID MISSING YOUR WORK-START DATE.**
- It is recommended that you make copies of all the materials submitted for CPT authorization and keep them for your own records.
- You are still required to register full-time if you are authorized for curricular practical training during the academic year.
- While engaging in Practical Training, you still must keep the DSO informed of any changes in your status.
- F-1 students are not limited in the amount of curricular practical training they may utilize **however if you engage in full-time CPT for twelve months or more prior to graduation, you will not be eligible for optional practical training before or after completion of studies**
- **The CPT application process must be completed prior to the student's departure from campus.**

## Optional Practical Training (OPT)

### **What is Optional Practical Training (OPT)?**

Optional Practical Training is an F-1 student benefit granted by the USCIS to work in a job related to your major area of study. It is meant to supplement your academic experience with practical experience prior to or upon your completion of studies.

### **Who is eligible for OPT?**

To be eligible for OPT, you must document that:

- You are currently in valid F-1 status
- You have legally been a full-time student for at least one full academic year (two semesters) at SUNY Delhi\*

\*NOTE: You may submit your application for OPT up to 90 days prior to having been enrolled for one full academic year, provided the employment will not begin until the completion of the full academic year.

### **When should I apply for OPT?**

- It is recommended that you apply for OPT **90 days prior** to the program completion date listed on your current I-20 form. *It could take as long as 3 months for your application to be processed.*
- **ONCE YOU'VE COMPLETED YOUR STUDIES AT SUNY DELHI, YOU CAN NO LONGER APPLY FOR OPT.**

### **How do I apply for OPT?**

Submit an application and supporting documents for an **Employment Authorization Document** ("EAD Card") to the USCIS Service Center in Vermont. Your EAD card will be mailed to you if you are granted authorization for OPT.

### **What do I send to BCIS to apply for my EAD card?**

With the international advisor's help, mail the following to USCIS:

- A completed form I-765 (*download this at [www.immigration.gov](http://www.immigration.gov)*)
- Photocopy of your SEVIS I-20 - page 1 and page 3 (with OPT recommendation from international advisor on page 3)
- Photocopies of all pages of **all previous I-20's**
- Photocopies of your passport (biographical and photo pages), front and back of I-94 card and US visa stamp page in your passport. **DO NOT SEND ACTUAL PASSPORT.**
- Two (2) identical natural color photographs of yourself, taken within 30 days of this application. *In pencil, please write your name and I-94 number lightly on the back of your photos.*  
It is recommended that you refer to the USCIS website at [www.immigration.gov/graphics/index.htm](http://www.immigration.gov/graphics/index.htm) to ensure your photos are done properly.
- **Application fee of \$175.** Send a check or money order payable to the United States Citizenship and Immigration Services (USCIS)
- **Mail To:** **United States Citizenship and Immigration Services**  
**Vermont Service Center**  
**75 Lower Welden Street**  
**St. Albans, VT 05479-0001**

\*Passport photos can be taken at the County Clerk's office in Delhi. They are open Mon-Fri, 8:30am-5:00pm. 607-746-2123

### **Please Note:**

- It is recommended that you make copies of all the materials you send to the processing center and keep them for your own records.
- Make SURE you have included a return address that you will have access to for up to 5 months. If you are moving off campus during that time, find a friend with a permanent address you can use as a return address and have the EAD card sent to.

**YOU ARE SOLELY RESPONSIBLE FOR MAKING SURE YOUR APPLICATION IS FILED CORRECTLY AND BEFORE YOUR PROGRAM HAS ENDED. THIS IS NOT THE RESPONSIBILITY OF THE INTERNATIONAL ADVISOR.**

## Extension of Stay to Continue in the Same Academic Program

Students with F-1 Status are limited in the amount of time they may continue in an academic or language program. The length of study and expected completion date indicated on the initial Form I-20 determines whether you must apply for a "Program Extension" to remain in the United States to complete your academic program. If you will not be able to complete your current academic program by the date shown on your Form I-20, you must apply for an extension **before that date**.

**Eligibility** - To be eligible for a program extension you must:

- ◆ be in lawful F-1 status under the visa supervision of Delhi College.
- ◆ have maintained unbroken full-time status for every semester of your current program during which you have been in F-1 status.
- ◆ Delays in completing your studies must be "caused by compelling academic or medical reasons, such as changes of major or research topics, unexpected research problems, or documented illnesses. Delays caused by academic probation or suspension are not acceptable reasons for program extensions" (8 CFR 214.2).

\*To be considered for an extension of stay, you **MUST** see the International Student Advisor **BEFORE** your program completion date.

### Please note:

- ◆ If you are unable to complete your educational program (your degree) within the program start and end dates indicated on your Form I-20, and if you are ineligible for an extension of stay, you will be considered "out of status."
- ◆ If you do not file for an extension of stay, or if you file late, you automatically lose your student status and you will need to apply for Reinstatement (if eligible). Reinstatement is a complicated, expensive and difficult procedure that will cost you \$140.00 and take months for approval.
- ◆ When you have determined that you will need an extension of stay to complete your academic program, it is **your responsibility** to notify the International Student Advisor/DSO who, after verifying this, will assist you with the application process which includes the issuance of a new Form I-20. To qualify for a new Form I-20, it is necessary for you to provide the International Student Advisor/DSO with updated financial documentation that demonstrates that you have the ability to meet all financial obligations associated with your extended stay at Delhi College to complete your program of study.

## TRANSFER INFORMATION

In addition to following the school's academic and administrative procedures for transferring to another school, F-1 Students must complete the transfer procedure established by the USCIS.

**Definition** - According to the USCIS, a "transfer" occurs when an F-1 Student moves from:

- ◆ one ESL program to another
- ◆ an ESL program to an academic program
- ◆ an undergraduate program to a graduate program
- ◆ full-time Optional Practical Training to another academic program

**Eligibility** - To be eligible for a transfer you must: have held good status as a non-citizen for your entire stay in the US thus fall

**You MUST see the International Student Advisor before transferring onto another school, as you need to be transferred out of SUNY Delhi's SEVIS system before your new school can issue an I-20 form. Most schools will issue the student a transfer report once they are accepted, to be filled out by your International Student Advisor at SUNY Delhi.**

# REINSTATEMENT

In the event that an F-1 Student violates his/her status, they are required by the USCIS to apply for a reinstatement.

**Definition:** If it is determined that a violation of status has occurred, the USCIS will decide whether or not to issue a reinstatement to lawful F-1 status (a judgment to forgive the violation of status or not to).

**Eligibility:** In order to be eligible for a reinstatement, the student must establish (through evidence) to the satisfaction of the USCIS that either:

- ◆ The violation of status resulted from circumstances beyond the student's control, or
- ◆ Failure to receive reinstatement would result in extreme hardship to the student.

## Application Procedure

Before applying for a reinstatement, it is important to determine if it is necessary. Call USCIS (800-375-5283) to speak with an immigration officer and determine if you are indeed out of status before applying for reinstatement.

Send an application packet for reinstatement to the USCIS. The application packet should include the following materials:

- ◆ Form I-539
- ◆ Attachment to Form I-539
- ◆ Evidence to support application
- ◆ Form I-20
- ◆ Photocopies of all previously issued Form I-20s
- ◆ Photocopy of your passport/visa
- ◆ I-94 (Original)
- ◆ Photocopies of financial documents
- ◆ \$195.00 application fee

The USCIS issues a statement regarding the student's application for reinstatement. The two possible results are:

- ◆ The USCIS issues a Reinstatement, and you are returned to "Lawful F-1 Status".
- ◆ The USCIS denies a Reinstatement, and the student needs to leave the United States.

## Points to Consider

- ◆ It generally takes the USCIS 6-12 months to process applications for reinstatement.
- ◆ You cannot begin working on-campus while waiting for adjudication or apply for OPT or CPT.
- ◆ While waiting for adjudication, you can travel and study using your old Form I-20.
- ◆ Time periods that you were out of status do not count toward the time required to be eligible for the various benefits of F-1 Status, such as OPT.
- ◆ If the USCIS denies you a Reinstatement, and your violation of status was less than full-time enrollment, you are subject to the penalties of the Illegal Immigration Reform and Responsibility Act of 1996, which means you can be barred from entering the United States.

## Applying for a Social Security Number

F-1 students may apply for a Social Security Number as soon as they arrive to Delhi College and are encouraged to do so. The only way to obtain a Social Security number is to formally apply for one. **Your College Identification Number is not a Social Security Number!** To apply for a Social Security Number you must first obtain employment on campus. You may then submit an application in person at a Social Security Administration office, the closest of which is listed below. **To apply, you will need to bring with you the following items:**

- ◆ Your original passport
- ◆ Your Form I-20
- ◆ Your I-94 card
- ◆ A letter of recommendation from the International Advisor
- ◆ A letter from your on-campus employer stating job duties, hours per week, and hourly wage.

The local Social Security Administration Office is located in Oneonta, New York (14 miles from Delhi College). The office is open between 9:00 a.m. and 4:00 p.m. Monday - Friday (except for legal holidays). If you do not have access to a car, you may choose to take the bus to Oneonta.

Social Security Administration  
31 Main Street  
Oneonta, NY 13820  
(607) 433-0171

The Social Security Card issued to nonresident F-1 students often specifies that it is "valid only with employment authorization".

### **How to get to the Social Security Administration Office in Oneonta by bus**

**STEP 1:** The bus to Oneonta picks up passengers at the Sunoco gas Station, located in Delhi across the street from the Great American, a grocery store. The bus schedule may be obtained by calling Pine Hill Trailways Toll Free at 800-225-6815 or 800-585-8555.

After arriving at the bus station in Oneonta (located at 47 Market St.), turn right on Market Street, and walk to the corner of Market Street and Main Street. Turn left on Main Street, go over the bridge and down to the bottom of the hill. Continue walking down Main Street to until you reach 31 Main Street, on the right hand side of the street, the Colone Office Building (the building that the Social Security Administration is located in). The Social Security Administration is located in suite #1. The building is directly across the street from Alfresco's Restaurant.

## HOW TO REENTER THE UNITED STATES AFTER TRAVELING

If you are an F-1 Student planning to travel outside the United States, make sure you do not have any difficulty returning by having all the documents you need to reenter! Check the list below and make sure you have everything ready before you leave.

1. **A valid passport** (unless you are exempt from passport requirements).

2. **A valid F-1 visa**. You must have a valid F-1 visa in your passport. There is one exception to this requirement. If you are maintaining F-1 status and are returning to the United States after a trip of less than 30 days to Canada, Mexico or adjacent islands in the Caribbean, you do not need to have a valid visa to return. Instead of the valid visa, you must have the Form I-94 Departure Record stapled in your passport.

If you entered the United States in another nonimmigrant classification and changed your status to F-1, you must obtain an F-1 visa before reentering from any country except a neighboring country. It is not possible to obtain a new visa inside the United States.

3. **A Form I-20** Make sure that your program of study is still correct and that the date you are expected to complete your program has not expired. You must have a valid reentry signature on the third page to reenter. If you are starting a new degree program, your completion of study date has passed, or you need to obtain a new visa, you will need to obtain a new Form I-20. Make sure your personal information listed on your I-20 is updated and completely accurate and that your International Advisor has signed the 'authorization for travel' (page 3 of the I-20) within the past year.

4 **Financial documents**. Take photocopies of your financial documents showing that you have adequate funding for your studies. If you are going to apply for a new visa from the American embassy or consulate at home, you will need to have original financial documents, not photocopies.

*It is recommended that you always carry copies of all of the documents listed above when traveling in a foreign country as a non-citizen.*

# HEALTH INSURANCE

United States Federal Government regulations require that all F-1 Students possess health and accident insurance. To facilitate this, the State University of New York (SUNY) passed a resolution in 1985, requiring all F-1 Students in SUNY to enroll in such an insurance policy contracted by the University. Students must be enrolled in this insurance program during all periods of time that they are enrolled students. This includes the fall and spring semesters, as well as any summer sessions. The insurance provider that the State University of New York has contracted with is HF&C. **This insurance policy provides coverage for you anywhere in the world except in your country of citizenship.**

**Enrollment Procedure:** International students are enrolled with HF&C at the beginning of each semester (or the appropriate summer session). The enrollment fee is then billed to the student. **It is the responsibility of each F-1 Student to make certain that they are enrolled in the insurance plan.**

**How to use the insurance plan:** The following steps must be followed to access the benefits of the insurance plan:

**STEP 1 - Receiving Treatment:** If you are in Delhi, and the Delhi College Health center (located in Foreman Hall) is open, **you must go to the Delhi College Health Center for treatment FIRST!** The reason for this is simple. You may only require treatment that is available at the Health Center, which you already paid for through the mandatory Delhi College Student Health Fee. If after examining and/or treating you, the Health Center deems it necessary, they will provide you with the appropriate referral (e.g. hospital, specialists). Since you visited the Health Center first, you will not be held responsible for the policy's deductible of \$100.00 per illness.

- ◆ In the event that a student is unable to go to the Health Center prior to receiving treatment from off-campus providers due to an "Emergency Situation" (e.g. medical emergency, the Health Center is not open, student is unable to go to the Health Center because of their location), the student must inform the Health Center, as soon as possible of all the medical treatment that they received.

**IMPORTANT NOTE: Excluding "Emergency Situations" (described above), if you do not go to the Delhi College Health Center before receiving medical care from an off-campus provider, you WILL be required to pay, at a minimum, the \$100.00 deductible per illness. The deductible, and/or any and all bills not covered by HF&C become the sole responsibility of the student!**

**STEP 2 - Filing an Insurance Claim:** After you have received medical treatment (off campus), you will need to file a claim with HF&C for the insurance company to pay the medical bill(s). Filing a claim involves following three steps:

- ◆ Obtain a claim form from either the International Student Advisor/DSO or the Delhi College Health Center. Complete the front portion of the claim form.
- ◆ Attach to the claim form all itemized statements and/or bills that are received from health care providers you received medical treatment from (e.g. hospital, specialists). These statements/bills should break down exactly what services were provided, and the cost for each, such as;
  - Examination - \$55.00
  - Radiology - \$35.00
  - Lab Services - \$150.00(These are hypothetical examples.)
- ◆ Send the claim form and the statements/bills to the insurance company's claims handler at the address below:  
HTH Worldwide Insurance Services  
PO Box 39  
Minneapolis, MN 55440-0039

**IMPORTANT NOTE: It is the responsibility of the student to file any and all insurance claims with HF&C. Any and all bills that are unpaid by HF&C, resulting from either student negligence or uncovered services, are the sole responsibility of the student!**

To check on the status of a claim, you can contact HTH at 800-242-4178. Their fax number is 877-865-5981. If you have any questions regarding health insurance, please contact the International Student Advisor/DSO.

**IMPORTANT NOTE: It is the expectation of the State University of New York and Delhi College that F-1 Students will read all the information that is provided to them regarding the Health Insurance Policy.**

## A Brief Tax Overview for International Students

The information provided here is intended to give you a general sense of taxpaying requirements. The International Student Advisor/DSO is not qualified to answer individual questions from students regarding their specific tax liabilities. US tax law is extremely complex and each student's situation varies. It is the responsibility of each international student to understand his or her own tax situation. Specific instructions are provided by Internal Revenue Service (IRS) and by New York State. Tax forms and instructions are available on the internet or you may contact the BCIS by telephone to ask your specific questions. Tax returns must be filed by April 15 if you earned income in the United States during the previous calendar year, or June 15 if you did not.

The Internal Revenue Service is the United States government agency responsible for the collection of federal income taxes. All non-immigrants in F or J status (both the principal and all dependents) are required to file an individual income tax return-even if they have no US source income of any kind-if they were in the US during the tax year. The tax year begins January 1st and ends December 31st. As the penalties for failure to file are severe, you should read this section carefully.

If you or your dependents hold F or J (student category) immigration status, usually you are considered a nonresident for tax purposes for a period of five "tax years". If you enter the United States at any time during the tax year - in August, for example - the entire year is counted toward the five years during which you must file as a nonresident for tax purposes. As a nonresident for tax purposes, you must file federal form 1040NR and an Individual Federal Income Tax Statement. If you have US source income, you must also file a state and local tax return. The corresponding New York State form is IT-203. Nonresidents for tax purposes whose earnings in the United States during a taxable year are less than the amount of the "personal exemption"; (a dollar amount specified in the instructions to form 1040NR which changes each year, but is roughly \$2,300) pay no taxes; however, all nonresidents in F or J status (both principals and dependents) must file a form 1040NR and an Individual Federal Income Tax Statement. You should send your forms to the IRS Center, Philadelphia, PA 19255 by April 15th for the previous tax year. In order to file an income tax form, every person must have either a social security number or an individual taxpayer identification number. Instructions for obtaining these are given below.

**Withholding** is the term used to describe a portion of your check amount that an employer is required to pay directly to federal, state, and city taxation authorities in anticipation of your annual income tax obligations. The check you receive, therefore, is for less than you earned during the pay period. The amounts withheld are credited toward your tax bill so that most taxpayers will have to pay relatively little additional money at annual tax filing time and many will qualify for a refund of money over-withheld.

If you will be on the SUNY New Paltz payroll, you should receive and complete a W-4 form before receiving the first paycheck. The W-4 is an extremely important form. Completing it incorrectly could mean that you will owe taxes when filing tax returns in April. Instructions on how to do so are provided in the Center for International Programs.

Currently the US has tax treaties or agreements with roughly 40 countries and territories under which their citizens may be tax exempt from all or part of US Income tax. To see if your country is among these and how a treaty may affect your tax status, check IRS publication #901 US Tax Treaties. Copies are available in the Center for International Programs. Further information may be obtained free from Internal Revenue Service publications or from IRS Forms Distribution Center, PO Box 25866, Richmond, Virginia 23260. You may also download the forms or call a toll free number, 1-800-829-3676, to obtain IRS forms.

The following are some of the forms or instructions that may be relevant to you:

- ◆ Instructions for Form 1040NR
- ◆ #508 Educational Expenses
- ◆ #519 United States Tax Guide for Aliens
- ◆ #520 Scholarships and Fellowships
- ◆ #901 United States Tax Treaties

During tax season (January 1 through April 15) forms are available in most post offices, libraries and some banks. Publications may be ordered by calling the IRS at 1-800-829-3676 or printed from the Forms and Publications section of the IRS web site at: [www.irs.ustreas.gov](http://www.irs.ustreas.gov)

## Definitions for Federal Tax Purposes

**Alien** - A term used by the Internal Revenue Service for an individual who is not a US citizen.

**Exempt Individual** - A person not subject to the Substantial Presence test (see below) which determines whether someone files as a resident or nonresident. Many students incorrectly believe this means they are not required to file a tax return and/or pay taxes.

**Substantial Presence Test (SPT)** - A formula devised by the Internal Revenue Service to determine whether a nonimmigrant is a resident or nonresident for tax purposes.

**Internal Revenue Service** - Also known as the IRS, this is the federal agency responsible for collecting taxes and enforcing tax reporting and collection laws. It is a division of the Treasury Department.

**Nonimmigrant** - An individual with a permanent residence abroad who is in the United States for a primary purpose that is temporary, such as those in J-1 or F-1 immigration status.

**Nonresident** - An individual who is in the United States for a temporary purpose of a relatively short nature (usually less than five years). Although required to file a tax return annually, only income from US sources is taxed.

**Resident** - An individual who is a US citizen, a US permanent resident or a nonimmigrant who has been in the United States sufficient time to qualify to file as a resident. Residency is determined by the Substantial Presence Test.

**Social Security** - A term used to describe an agency, a card and two types of tax. The Social Security Administration (SSA) is a government agency housed in the Department of Health and Human Services. The card contains a unique nine-digit identification number issued to qualified individuals primarily to determine eligibility for social benefits through various forms of employment. The number on the card is also used for tax record keeping. The taxes, known as FICA (Federal Insurance Contribution Act) and Medicare, are withheld from employment income to later provide for retirement. The actual amount withheld from a paycheck for FICA is 7.65% of total earnings to a certain salary level. Students with F-1 and J-1 Status are not required to pay these taxes.

**Tax Treaty** - An agreement between the United States and another country to determine how the country's residents will be taxed when temporarily in the United States. (In this case, resident refers to tax residency.) A treaty can give certain tax benefits. A note of caution, however. Tax treaties are lengthy, complicated and very specific. Just because someone is a resident of a tax treaty country does not mean that the person will automatically qualify for tax benefits.

**Individual Tax Identification Number (ITIN)** - An individual may not be eligible for a social security number, which is routinely issued only to US citizens, US permanent residents and non-immigrants with legal work permission. In that case, the nonimmigrant must apply to the Internal Revenue Service (IRS) which assigns a unique nine-digit code for tax-related purposes. This generally applies to F-2 dependents.

**Withholding** - The retention of a given amount of a salary (wages) by an employer on behalf of the government for tax purposes. Withholding is the term used to describe a portion of your check amount that an employer is required to pay directly to federal, state, and city taxation authorities in anticipation of your annual income tax obligations. The check you receive, therefore, is for less than you earned during the pay period. The amounts withheld are credited toward your tax bill so that most taxpayers will have to pay relatively little additional money at annual tax filing time and many will qualify for a refund of money over-withheld.

**Dates** - April 15 - The last day to file an annual tax return with the US government if you are a resident or a nonresident with US source income. It must be postmarked by April 15.

June 15 - For nonresident scholars and their dependents who do not have any source of US

**FICA** - A separate tax issue is Social Security tax, also known as FICA. A 1984 tax law determined that F-1 and J-1 students are responsible for FICA taxes in some situations, dependent on the length of time that a student has been in the United States. However, students enrolled in and employed by an academic institution are exempt from Social Security taxes for that employment. In general, students who are in F-1 or J-1 immigration status are exempt for FICA taxes on other types of authorized employment during the first five years in the US, during which time they are classified as "nonresident aliens" for tax purposes. [26 USC 3121(b)(19)]. If FICA has been withheld in error, the employer must provide a refund. The employer applies for reimbursement by filing a claim on form 941C with IRS. However, if you are unable to obtain a refund in this way, file a claim on form 843 with the Internal Revenue Office to which your employer pays Social Security taxes. If you do not know which office this is, write to: Internal Revenue Service Center, Philadelphia, PA 19255. If Social Security tax was withheld in error and your employer is a state or local government organization, including educational institutions, you can request a refund from the local government employer or school administrator.

## IMPORTANT TIPS

- ◆ Make a photocopy of all materials that you send to the USCIS.
- ◆ Never send cash through the mail. Use a personal check, money order, or bank check. Money orders can be obtained at any United States Post Office.
- ◆ All checks or money orders sent to the USCIS should be stapled to the appropriate documents.
- ◆ All materials should be mailed to the USCIS as "Certified Return Receipt."
- ◆ Make certain that you inform the International Student Advisor/PDSO at your institution (the institution who issued you your current Form I-20) of any legal changes to your name or any changes to your physical address (The PDSO **must** have your current physical address). These changes must be reported to the International Student Advisor/PDSO within ten days of the change.
- ◆ Set up a file for all of your USCIS related paperwork, and keep this file in a safe place.
- ◆ While some members of the faculty and staff have some knowledge, or even are quite knowledgeable about your rights and responsibilities as an F-1 Student, some are less knowledgeable. **If you have any questions regarding these rights and responsibilities, contact the International Student Advisor/PDSO.** Do NOT rely on the knowledge of the faculty or staff or SUNY Delhi for your personal legal status within the US.
- ◆ Keep your passport, I-20, I-94 Departure Card and all other important documents in a safe place, and have at least one photocopy of each in case it should be lost or stolen.
- ◆ Never mail your passport! ALWAYS make a copy to mail.

## DEFINITIONS

**Certificate of Visa Eligibility (Form I-20):** Students who have been admitted to Delhi College and have documented their ability to finance their education may receive a Certificate of Visa Eligibility for F-1 Student Status (Form I-20). This document certifies eligibility for an entry visa and must be shown to an immigration official at the time of entry into the United States in order to enter in a valid status. You are required to keep all I-20's issued to you throughout your student status, no matter how long you stay in the US or how many times you travel abroad.

**Curricular Practical Training (CPT):** Employment that is directly related to, and an integral part of the established curriculum of your school. This employment is required for degree completion, such as the internships required for programs in the areas of Hospitality, Golf and Plant Sciences, and Veterinary Science Technology.

**Designated School Official (DSO):** An employee of the institution who is authorized by the institution and approved by the USCIS to issue and/or sign and/or certify various documents. This includes but is not limited to: the Form I-20, and Form I-539. The PDSO is authorized to enter information into and generate various documents from the SEVIS database.

**Duration of Status (D/S):** This notation refers to the time during which students in F-1 status are permitted to remain in the United States. The D/S notation is made on the I-20 and the I-94 card. It is the time during which the student is registered full-time at the school they are authorized to attend plus Practical Training or Academic Training plus a grace period of 60 days for F-1 students.

**Employment:** Any service or labor for which wages or other remuneration (compensation) is provided (e.g. salary, room, and board). Sporadic domestic service in a private home is not included.

**Entry Visa:** A machine-readable stamp in your passport issued by an American Consul abroad, authorizing you to apply for admission to the United States at the port of entry. All international students (except Canadian nationals requesting F or J immigration status) are required to have a valid entry visa stamp in their passport at the time of entry into the United States. Your visa indicates the type of immigration status you will hold (F-1, J-1, etc.), the date until which you may enter the United States, and the number of entries you may make before you must apply for a new entry visa stamp. An agreement between your home country and the United States Government determines the length of validity of each visa type, and is not necessarily tied to the length of your program of study. Application for an entry visa is made at a United States consulate or embassy outside the United States. F-1 visa stamps generally cannot be obtained within the United States. The validity period of your visa does not determine the length of time you may remain in the United States. Your length of stay is determined by the date on your form I-94.

**F-1 Student:** A student who entered the United States with an F-1 student visa.

**Form I-20:** The Certificate of Visa Eligibility for Nonimmigrant F-1 Student Status is commonly known as the I-20. This is the document issued by a school for presentation at a United States consulate abroad to obtain an F-1 Student visa. It must also be presented to immigration official upon entry into the United States. Those in F-1 status who are entering the US must carry either an initial I-20 or one with a recent signature on page 4 to verify their continuing attendance at Delhi College. The I-20ID Copy (page 3/4 of the I-20) is a permanent record of one's activities as a student in the US.

**Form I-94 (Arrival/Departure Record):** This small white card (usually stapled into your passport by an immigration official when you enter the United States) is a record of your nonimmigrant status and permission to stay in the United States. It shows your "immigration status", the date and port of your arrival in the United States and the date until which you have permission to stay. Each time you leave the country you surrender your I-94. However, if you make short trips to Canada, Mexico and parts of the Caribbean you do keep this form. **Make sure you safeguard this card!** **The fee for replacing a lost I-94 card is \$155 US.**

**Immigration Status:** Your immigration status, (e.g., F-1, B-2, etc.) is generally the same as your entry visa classification, and is determined at the time of your entry into the United States by an immigration official and is noted on the form I-94. Upon entry in the United States, the immigration official retains the Arrival portion of the I-94, notes your immigration status on the Departure portion, and staples the I-94 (Departure) card into your passport. Your immigration status (commonly referred to as your "status" indicates your primary reason for being in the United States.

**Optional Practical Training (OPT):** Employment that is directly related to your program of study after completion of your degree (i.e. Associate's, Bachelor's).

**Passport:** This document is issued by your country of origin and must be valid at least six months into the future at all times. Extensions of your passport may be obtained through the nearest consulate or embassy of your country.

**Program of Study (Major):** This is the academic discipline that you are concentrating in (e.g. Carpentry, Culinary Arts, Veterinary Science technology, Welding, etc.) for which you will be receiving a degree or certificate of completion.

**Student and Exchange Visitor Program (SEVP):** "The reengineered nonimmigrant student and exchange visitor (F, M, & J visa categories) process, converting what is currently a manual procedure into an automated process. This change is expected to improve data collection and reporting, enhance customer service, facilitate compliance with regulations, and help the Bureau of Citizenship and Immigration Services (USCIS) better monitor school and exchange programs. This program was formerly referred to as the Coordinated Interagency Partnership Regulating International Students (CIPRIS). CIPRIS was the name assigned to the now-completed pilot project, which tested the concepts associated with new data collection and reporting methods. Information obtained from this pilot system was incorporated into the national system development effort that resulted in the Student and Exchange Visitor Information System (SEVIS)" (<http://www.ins.gov/graphics/services/tempbenefits/sevpqa.htm#WHATIS>).

**Student Exchange Visitor Information System (SEVIS):** "SEVIS is an Internet-based system which maintains accurate and current information on non-immigrant students (F and M visa), exchange visitors (J visa), and their dependents (F-2, M-2, and J-2). SEVIS enables schools and program sponsors to transmit electronic information and event notifications via the Internet, to the USCIS and Department of State (DOS) throughout a student or exchange visitor's stay in the United States. The system will reflect international student or exchange visitor status changes, such as admission at Port of Entry (POE), change of address, change in program of study, and other details. SEVIS will also provide system alerts, event notifications, and basic reports to the end-user schools, programs, and INS field offices" (<http://www.ins.gov/graphics/services/tempbenefits/sevpqa.htm#WHATIS>).