FOREIGN NATIONAL STUDENT  
F-1 VISA INFORMATION  

The Seminary office in charge of the Department of Homeland Security, United States Citizenship and Immigration Services, and Department of State matters is Professional Studies (John G. Flett, Ph.D., Interim Director; Mary Munn, Assistant). They may be contacted at: 202 Templeton Hall; professional.studies@ptsem.edu; 609-497-7823; 609-683-0741 (fax).

1. Introduction

For more than 80 years United States non-immigrant law and policy have made special provisions for the issuance of temporary, educational visas to foreign national students. The Federal Government acknowledges, for diplomatic and economic reasons, the value of providing education at American universities to foreign nationals. Student-visa holders are allowed to come only for a specific, temporary, educational purpose and objective, and are expected to return to their home countries upon timely completion of their studies.

There is an inherent governmental tension between welcoming and regulating foreign national students. This strain is also present at the Seminary, where its educational mission and desire to encourage attendance by foreign nationals must be balanced against its responsibility to ensure institutional compliance with government statutes and regulations. If the Seminary were to fail to comply with these provisions, it would jeopardize its government authorization to sponsor foreign nationals in all its programs.

Federal and state regulations require the Seminary to classify and treat foreign national students differently than students who are United States citizens or lawful permanent residents (green card holders). Examples of permissible, legally required, dissimilarities include, foreign nationals 1) do not qualify for government guaranteed, student loans; 2) may take advantage of foreign national treaties, not available to United States citizens, which exempt scholarships and earnings, in whole or in part, from taxation; 3) may not work without prior authorization, and are limited in the nature of the service they may perform (on and off-campus service allowances are described in Section 9, Compensated Service, Honorarium, Fee, or Employment); 4) may not qualify for a New Jersey State drivers license; and 5) may not avail themselves of various public assistance programs (they and their dependents, like all temporary visa holders and new immigrants, must be totally self-funded and may not become public charges).

Distinctions in treatment between United States students and foreign national students are not discriminatory, because they are not based on race, color, creed, sex, age, marital status, ancestry, national/ethnic origin, or disability. Disparities are valid, and legally mandated, because they are based solely on non-immigrant, student-visa status or category.

Visas are issued by the United States Department of State (“DOS”). Students always must be in valid, F-1, non-immigrant, visa status. Students must have a permanent residence in their home country to which they shall return. Students may not have an immigrant intent. F-1 students are governed also by the regulations of the former Immigration and Naturalization Service (“INS”), now the United States Citizenship and Immigration Services (“USCIS”) under the Department of Homeland Security. Students must be in compliance with all DOS and USCIS regulations, as well as with the provisions of various other United States government agencies, including the Internal Revenue Service (“IRS”) and the Social Security Administration (“SSA”).

Page 1 of 10
2. Student Exchange Visitor Information System (“SEVIS”)

Since the 1950s federal regulations have required schools to maintain and report to the INS/USCIS information about their foreign national students including biographical data, residential address, program attendance, and academic progress. Limitations on the release of student information to third parties, contained in the Family Educational Rights and Privacy Act of 1974 (“FERPA”), have not, and do not, apply to USCIS/DOS required information on foreign national students. Regrettably, since recording and reporting were entirely paper-based, information was not always correct and usually not available in a timely manner to INS/USCIS, border patrol, and custom officers.

Following the February 1993 World Trade Center bombing, Congress enacted the Illegal Immigration Reform & Immigrant Responsibility Act of 1996 requiring the creation of a system for the electronic interchange of data among schools and the INS/USCIS. Through the late 1990s substantial progress was made in the development and regional deployment of a pilot, student tracking system, but the endeavor was never implemented nationwide. In the wake of the 11 September 2001 tragedy, Congress then mandated implementation of a nationwide, electronic data, interchange system by January 2003.

Effective 31 January 2003, all schools are required to report biographical information, as well as the academic status and progress, of their foreign national students to the USCIS and the DOS via the Student and Exchange Visitor Information System (“SEVIS”). This system automates the exchange of information relating to foreign national students and exchange-visitors including research-scholars selected by the President’s Office, professors (such as the occupant of the Mackay Chair of World Christianity), and members of the Center of Theological Inquiry (an organization affiliated with the Seminary). SEVIS facilitates the collection of student biographical and academic data and the transmission thereof to the USCIS and the DOS. It is also creates the forms which allow foreign national students to apply for visas, enter the United States, and document maintenance of their lawful status while pursuing their educational objectives.

SEVIS makes no fundamental change to the USCIS/DOS regulations governing foreign national students or to the procedures under which the Seminary must operate. SEVIS requires the Seminary to follow strictly the existing regulatory requirements relating to foreign national students by replacing a paper-based system with an on-line, real-time, computer-based system. SEVIS enables the USCIS and DOS to monitor more accurately and on a more timely basis the status and academic progress of each foreign national student.

3. Admission of Foreign National Applicants

USCIS regulations mandate that all prospective, foreign national applicants complete the appropriate Seminary admission forms, submit required transcripts, and provide all other supportive documents necessary for the Seminary to determine their scholastic and linguistic eligibility for admission to a degree or non-degree program. DOS regulations require all applicants to demonstrate sufficient proficiency in the English language to pursue the full-time course of graduate level study to which they have applied. The Seminary must certify to the DOS on Form I-20, Item 6 (see Section 5, Forms I-20 and I-94) that students have such linguistic skill.

Applicants must also submit financial documentation, in form satisfactory to the Seminary, proving they have full funding for themselves and any dependent for the entire length of their program. Without such proof the Seminary may not provide them with the Form I-20 necessary to apply for a student visa.
4. F-1 Visa

F-1 visa status is a narrowly defined, non-immigrant, full-time, student category. The actual visa is a label placed on a page of a student’s passport by a DOS officer. The visa allows entry into the United States. Some visas permit only one or two entries; others allow multiple entries, based on reciprocal treatment of United States students studying in the visa applicant’s country of nationality. Each visa has an expiration date. As long as students are in valid, F-1, non-immigrant status, they may remain lawfully in the United States with an expired visa; the visa only is used for entering the United States. Students need a new, unexpired visa if they leave and attempt to re-enter the United States. Visas are not issued in the United States; only United States embassies or consulates abroad issue them. A visa is valid only with a valid Form I-20.

5. Forms I-20 and I-94

Once foreign nationals are admitted to a degree or non-degree program, the Seminary issues them a SEVIS generated, Form I-20, which they use to apply for an F-1 visa. Students may not enter the United States more than 30 days prior to the start date listed on the Form I-20, Item 5. To be admitted into the United States, students must present their passport, visa, and Form I-20.

Promptly upon arrival at the Seminary, students must report to, and have their Form I-20 endorsed by, the Director of Professional Studies. Students must keep their original, endorsed Form I-20 with their F-1 visa labeled passport at all times.

At the commencement of each semester, students must register as a full-time. The Seminary then must notify the USCIS via SEVIS that each foreign national student is enrolled on a full-time basis and is making satisfactory academic progress toward the timely completion of their program. If the USCIS does not receive such notification within 30 days of the semester start, the USCIS automatically terminates the student’s SEVIS record. The student is then out of status and must depart the United States (no grace period to remain in the country), or apply to be reinstated to lawful status. Reinstatement is a difficult process and there is no assurance of USCIS approval.

Each time students enter the United States, an inspector at the port of entry stamps and signs their Form I-94 (Arrival/Departure Record). The Form I-94 indicates the port of entry, the date of entry, the visa category of admission, an admission identification number, and the period of time the student is allowed to remain in the United States. Customarily, students are not admitted to a particular date (as with a tourist visa), but for the “duration of status” (abbreviated "D/S"). They may remain in the United States as long as they are in valid F-1 status with a current, properly endorsed Form I-20. When students leave the United States they surrender the Form I-94. If they re-enter the United States, they are given a new Form I-94.

6. USCIS/DOS Status Maintenance

Students may remain in the United States with an F-1, non-immigrant visa only if they are enrolled full-time at the Seminary and make satisfactory academic progress toward the timely completion of their program. Eligibility for study at the Seminary depends upon their maintaining valid, non-immigrant status. USCIS/DOS status maintenance is the responsibility of each student. When students apply for a visa, they sign the Form I-20 agreement to abide by the conditions of their F-1 status while in the United States.
States. To maintain non-immigrant status, they must:

A. Report to the Director of Professional Studies for initial SEVIS registration and activation.

B. Enroll, full-time, each semester at the Seminary and make satisfactory academic progress towards timely program completion. Resident doctoral candidates in the dissertation stage are considered by the Seminary and the USCIS to be full-time students (they still must register as such each semester). Foreign national students should discuss their status with the Director of Professional Studies before dropping any class.

C. Maintain required Seminary health and medical insurance (including dependent coverage).

D. Hold a valid, current Form I-20 endorsed annually by the Director of Professional Studies.

E. Confirm with the Director of Professional Studies any Form I-20 biographical (e.g., new dependent or change of status of existent dependent) and/or financial change.

F. Maintain a valid passport (six months beyond the date when their program ends).

G. Refrain from engaging in unlawful employment.

H. Have prior Seminary and/or USCIS authorization for any compensated service (see Section 9).

I. Report any program interruption (including illness), address and/or name change to Professional Studies within ten days thereof for SEVIS notification.

J. Follow transfer procedures, if applicable (see Section 8).

K. Adhere to all USCIS and DOS regulations.

L. Abide by grace period regulations.

M. Depart the United States in timely manner upon program completion.

7. Travel and Re-entry

Whenever students leave the United States, they must have all valid documents needed to re-enter:

A. Current, valid SEVIS generated, Form I-20 annually endorsed by the Director of Professional Studies for travel.

B. Confirm that all Form I-20 information is still accurate in all respects.

C. Surrender Form I-94 (Arrival and Departure Record); this facilitates reentry through a land port of entry. If travel is by airline, the Form I-94 is collected prior to departure. Students must complete a new Form I-94 upon reentry.

D. If on post-degree conferral training, have USCIS authorization, service letter from current
employer, and Form I-20 properly endorsed by the Director of Professional Studies.

E. Remain outside the United States for less than five months. Remaining outside the United States for five months or longer constitutes program abandonment.

F. A current passport (unless from an exempt country) valid for at least six months after the date of reentry or, if from one of the countries listed below, a passport that is current through the date of entry.

G. Valid United States visa for return entry (visa valid only with a valid Form I-20). If the visa is not current or students have changed visa categories, they must obtain a new visa, in the proper category, from a United States embassy or consulate while they are abroad. A student may not renew a visa while in the United States. For more information about visa applications, see the DOS web site at: www.UnitedStatesVisas.gov.

H. Financial documentation showing proof of necessary funds to cover tuition and living expenses.

I. If students must apply for a new visa, the DOS officer at the United States consulate or embassy asks for: i) updated financial documentation; ii) current Seminary transcript; and iii) a letter from the Registrar or Director of Ph.D. Studies, as appropriate, stating they are a full-time student, in good standing, making satisfactory academic progress, and scheduled to finish their program by the termination date stated on the Form I-20.

   a. Students should contact the consulate or embassy in advance to ascertain how long it will take to process a visa and what other supporting documentation might be required. The DOS publishes on its web site the average wait time for processing a non-immigrant visa. The wait times are listed by post/city: www.travel.state.gov/visa/tempvisitors_wait.php.
   b. The DOS recommends that students apply for a visa in their home country. Obtaining a visa in a country other than their own is not an easy undertaking, and in many cases is impossible.
   c. The Seminary must enter current, biographical, academic, and financial data via SEVIS before students apply for a new or renewed visa.

J. An F-1 visa application, including renewal, may be subject to a SEVIS fee of $100.00. An F-2 dependent is not required to apply for or pay this SEVIS fee. This fee must be paid and receipted prior to applying for the visa. The fee must be submitted on Form I-901. A continuing student ordinarily will not have to pay this fee. For additional information regarding fee payment, see: www.fmjfee.com/index.jhtml.

K. If students travel to a country other than their home country e.g., Canada, they may need an entry visa to that country. They should contact that country's nearest embassy or consulate for entry information before completing travel plans.

L. When students travel outside the United States, it is customarily expected that they will be accompanied by their dependents. The F-2 dependent category (See Section 10, F-2 Dependents) requires the F-1 student to be in the United States at the same time. F-2, non-immigrant dependents may stay in the United States without the primary, F-1 visa holder, only if the primary is in valid status and will return after a temporary absence using the same SEVIS identification number.
8. Duration of Status and Transfer

The date written on the Form I-94 indicates how long students are permitted to remain at the Seminary. If there is no date, but rather "D/S" (Duration of Status), their stay is based on the dates shown on Form I-20, Item 5, or completion of their program, whichever comes first. Students are not eligible to apply for a SEVIS program extension after the termination date on the Form I-20. If they attempt to remain in a program after the Form I-20 expiration date, the USCIS classifies them as out of status.

A student’s stay in F-1 status (and F-2 of any dependent) is limited to the end date on the Form I-20 or completion of the program, whichever comes first, plus a grace period of 60 days (to prepare for departure), upon successful completion of the program. During this grace period students may lawfully remain in the United States with an expired Form I-20 and an expired visa. If they depart the United States and attempt to re-enter the United States with an expired Form I-20 (even if the visa were still valid), they will be denied admission. If they fail to depart the United States prior to the end of the grace period, the USCIS considers them a visa overstay, a status which will hinder, or prevent, them from obtaining a visa or entering the United States in the future.

During the 60-day grace period, students are no longer enrolled in the Seminary. Therefore, student benefits may not apply, including, by way of example, on-campus service (see Section 9), housing, meal plan, and library privileges.

If students are terminated, or do not successfully complete their program, they are not entitled to the 60-day grace period. They promptly must depart the United States.

If students complete successfully their Seminary program and then are admitted to another, higher degree program at another school located in the United States, they may be able to transfer from the Seminary to the new school. Students who have failed to maintain status are not eligible for transfer. The new school is responsible for the transfer and must issue its own Form I-20. After the transfer effective date, when the Seminary has released the students to the new school, they may not work on the Seminary campus. Maintenance of USCIS status throughout the transfer procedure is a student’s responsibility.

9. Compensated Service, Honorarium, Fee, or Employment

The F-1 visa is not a work permit. No form of any compensated, directly or indirectly, on or off campus (including Princeton University), service may be undertaken.

Students may not be self-employed. They may not work as independent contractors, such as translating documents for a publisher. They may not provide services, such as serving as a pastor in a local congregation. They may not volunteer for a position which customarily is compensated.

A. On-Campus: Full-time, F-1 students, in valid, non-immigrant status, making satisfactory academic progress toward the timely completion of their program, may work part time on campus while classes are in session. Part time means not more than a total of 20 hours per week. Teaching and research assistants, working in the library, computer center, media department, and cafeteria constitute on-campus employment and are limited to a combined total of 20 hours per week. During the summer break, students may work full time (as defined by the Human Resources Office, customarily 35 hours week) on campus only if they will return on a full-time basis to the Seminary immediately following the summer break. They may not work after program
completion unless they have been admitted to another program at the Seminary and are issued a new Form I-20.

B. Required Field Education for Master of Divinity and Master of Arts Candidates: Students may participate in Field Education positions only if they specifically are required by their program for degree conferral. Program-required service is curricular practical training. Even if Field Education is a program requirement, students still must have the prior, signed authorization of the Director of Professional Studies plus advance, notification to the USCIS via SEVIS before beginning each assignment. Approval of a position by the Field Education Office alone is not sufficient. Each Field Education position must be individually entered on SEVIS.

   a. Doctoral and master of theology candidates do not qualify for curricular practical training, as successful completion of field education-type training is not a requirement for conferral of the Ph.D. or Th.M. degree.

10. F-2 Dependents

Dependents (spouse and/or child under the age of 21 years) of F-1 students are issued their own SEVIS Form I-20 based on the biographical and financial data of the F-1 student. The Director of Professional Studies must endorse their Form I-20. F-2 dependents must keep their endorsed Form I-20 with their F-2 visa labeled passport at all times.

F-2 dependents are not permitted to engage in any form of work or hold employment of any kind, anywhere (on or off-campus), under any circumstance. They may not volunteer for a position which customarily is compensated. There are no exceptions to these USCIS prohibitions.

F-2 dependents only may engage in recreational or avocational study (e.g., high school adult education class), but no full-time degree or non-degree program. The sole exception is for F-2 children who may attend elementary or secondary school (kindergarten through twelfth grade).

A. F-2 Travel and Re-entry: Certain rules allow F-2 dependents to travel alone outside the United States. The F-2 dependents of a continuing F-1 student need the following:

   a. Current Form I-20 in their name (and one for each F-2 accompanying them) annually endorsed by the Director of Professional Studies for travel.

   b. Valid passport (see Section 7 F above) unless from a visa exempt country.

   c. Form I-94 (see Section 7 C above).

   d. Valid visa unless from a visa exempt country or, in some cases, when traveling to a contiguous country or adjacent island (see Section 7 G above).

   e. The primary F-1 visa holder must be in active, full-time, student status. The F-2 dependent should keep a copy of the primary’s Form I-20 with the page 3 annotations and be prepared to present it at the consulate and port of entry.
11. Medical and Health Insurance

All F-1 students and their dependents must be covered by the Seminary’s medical and related health insurance plan. There are no exceptions to this requirement. The plan is administered by the Office of Admissions and Financial Aid. Failure to comply with this requirement shall result in program termination for the F-1 holder and all F-2 dependents.

12. Social Security Administration and Internal Revenue Service

The SSA is an agency of the United States Department of Health and Human Services. The SSA issues nine-digit identification numbers used by the IRS to identify taxpayers and their earnings. If students were previously issued such number, it is still valid. They should keep their SSA card with them. If they do not know their SS number, they must apply for a replacement card.

Only students who receive earned income (as defined by the IRS) from Seminary on-campus employment or program-required Field Education, when authorized, may obtain a SS number. They must complete a SS number application form in the presence of a SSA representative. They also must present their passport, Form I-94, current Form I-20 endorsed by the Director of Professional Studies, and a letter of employment authorization from the Director of Professional Studies stating the specific services to be provided.

If a passport was issued within the last twelve months, the SSA will ask for confirmation of a student’s birth date with another document issued more than twelve months ago, e.g., a birth certificate. A copy of required, secondary document must be certified by a government agency with a raised or embossed seal.

If students receive only scholarship assistance from the Seminary (no earned income from the Seminary or any other source), they do not qualify for a SS number. Instead, they must apply for an IRS-issued Individual Tax Payer Identification Number (“ITIN”) through the Seminary’s Business Office. The ITIN is used in lieu of the SS number.

13. Federal and State Taxation

Students must submit for each calendar year an income-tax return, or equivalent documentation, to the IRS (the filing date is 15 April, although some students may qualify for an extension until 1 June). They solely are responsible for filing the return and paying all tax obligations; the Seminary has no such obligation. To assist the Seminary estimate how much tax should be withheld or deducted from their financial support and/or wages to meet their IRS obligations, students must complete, and submit to the Business Office, the IRS Form W-4. The Seminary sends the amount of tax withheld from the students directly to the IRS on their behalf. In their annual tax return, students must reconcile their figures with those submitted by the Seminary. If students paid too much tax, they may claim a refund; if they paid too little, they must pay the amount still owed.

Income includes scholarships and on-campus or Field Education wages. The portion of a scholarship subject to tax includes housing, meals, and related living expenses. The portion of a scholarship applied to tuition, fees, and books is reported, but not taxed, as income. The IRS rate on the taxable portion of a scholarship is 14%, on wages/earned income 30%. The Seminary is required to report all such payments to the IRS on Form 1042-S. There are no exceptions.
Students should ascertain whether a tax treaty exists between their home country and the United States. A treaty may exempt from taxation a portion or even all of any Seminary support and/or wages/earned income. The benefits, if any, of a tax treaty may be lost (sometimes retroactively) if a foreign national remains in the United States beyond the period of time allowed by such treaty, usually four years.

Students do not need a SS number or ITIN to open and maintain personal, non-business, checking and/or savings accounts with a United States bank. They do not pay taxes on interest from such personal, non-business accounts.

14. New Jersey State Drivers License

If students plan to drive an automobile, they should obtain in their home country an international driver’s license. It is difficult, sometime impossible, to obtain a New Jersey State drivers license. They may be asked to present a SS number or provide documentation from the SSA that they do not qualify for such a number.

15. Public Charge

When students apply for an F-1 non-immigrant, student-visa, they certify to the Seminary, the USCIS, and the DOS that they are able to support themselves and any accompanying or subsequently arriving dependents for the full length of their program. Occasionally, public service institutions, including hospitals, clinics, or food kitchens, may encourage students and/or their dependents to apply for public benefits, such as Medicaid, food stamps, or government-subsidized housing. These organizations may not understand the special rules governing students in F-1 non-immigrant status. If students apply for or accept such aid, they jeopardize their F-1 status. Acceptance of public assistance is a violation of their non-immigrant status as a public charge, and may violate state and federal law.

16. Program Length, Funding, and Extension

The USCIS and DOS require the Seminary to define the length of each degree and non-degree program. In turn, students must demonstrate complete funding for the entire duration of their program. Funding may come from various sources such as personal resources, family support, Seminary scholarship, congregational/denominational assistance, or foundation grants. Whatever the funding source(s), it (they) must cover the full cost for the entire length of the student’s program. For a multi-year program, students may not show only the first year of funding. As a general principle, the USCIS and DOS require students to document that they have readily available cash to pay for the first year of a multi-year program, and to provide credible evidence that they shall have funds available from the same or other source(s) for the remaining portion of their multi-year program.

In rare instances a multi-year program may be extended, but only for the time necessary to complete the program or twelve months (whichever is less), provided the delay is caused by a compelling, academic or medical reason. If approved, the Seminary may endorse such program extension to the USCIS via SEVIS.
17. Change of Name/Address or Program Interruption

Students must notify the Office of Professional Studies of any legal change to name, change of address, new dependent, or program interruption within ten days of the same. The Seminary promptly must transmit this information to the USCIS via SEVIS.

For students subject to the National Security Entry-Exit Registration System (“NSEERS”), change of address reporting through SEVIS is not sufficient. Individuals subject to this special registration must comply with all requirements of the NSEERS program. In addition to notifying the Seminary, these students must file a Form AR-11 or AR-11SR directly with the USCIS. Failure to provide the USCIS with such notification may result in a fine, imprisonment, and removal from the United States.

18. Disclaimer

This information is of a broad nature and is provided only for general guidance and discussion purposes. Students should not consider this material as individual advice. USCIS, DOS, IRS, and SSA statutes and regulations are subject to constant review and change. Students with questions regarding any aspect of their non-immigrant status or program of study should schedule an appointment with the Director of Professional Studies.

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