

Student Visa Option for the United States

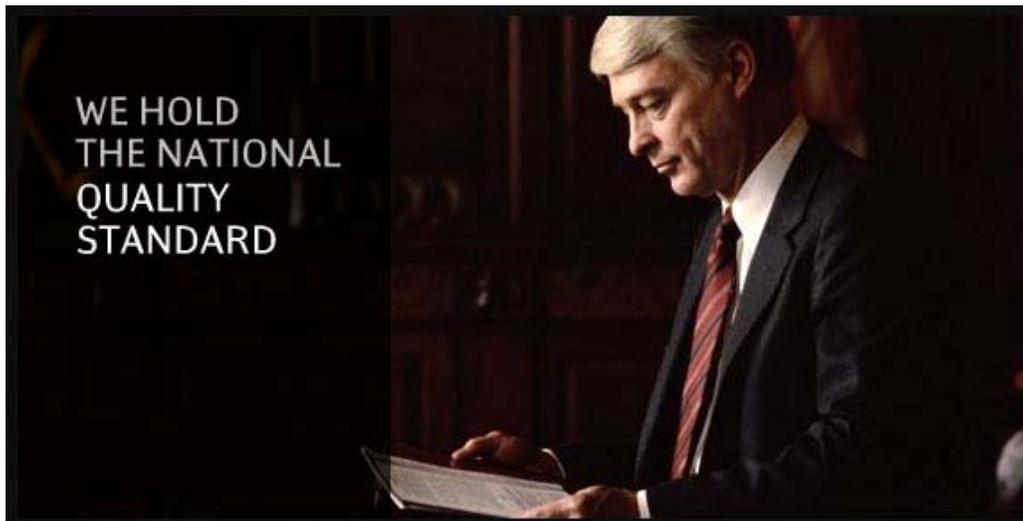
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Rome, It March 9th, 2010. This is the time of year that students are making application to foreign school and deciding on where they would like to go to enjoy their studies. Many are choosing the United States and this article will help the students understand what is involved in obtaining a student visa for the U.S. Immigration attorney Steven Riznyk (www.my-Immigration-Attorney.com) states that most students don't require an immigration lawyer to prepare their case, but they should really understand the mechanics of the visa and what is allowed. For example, many students who call Mr Riznyk do so because they either work without authorization, overstay their visa, or do not attend classes as required and then unfortunately, they do require an [immigration lawyer](#).



The student visa is a wonderful opportunity for someone to visit another country as well as gain an outlook on a different way of life and diverse business culture. In the United States there are 3 options for students: the F-1, M-1, and J-1 visas.

The F-1 is very popular, states Mr Riznyk, and is used by students seeking to enter the United States to pursue a degree or seek other educational options that are not covered by the M-1. In order to qualify, it has the requirement that the student keep a foreign residence which he or she does not intend on abandoning. In other words, a student cannot enter the United States with the intent of living there permanently. The student must enter with the intent of studying full-time. Family members of the student receive an F-2 but cannot work or study, with the exception of children, who may attend grades 1-12.

In order to obtain a student visa, the applicant must find a school that will accept him or her and then use the form I-20, which can be found on www.USCIS.gov. In addition to being accepted by an approved school, the student must demonstrate academic credentials sufficient to attend the school, states Mr Riznyk. The student must also demonstrate that he or she has enough money to pay for the school as well as living expenses. A proficiency in English is required, unless the student can show that he or she will be taught English at a level that would make him or her proficient. Last but not least, the student must show that he or she intends to depart the US at the end of the studies. Read on, however, as this aspect gets interesting!

When entering the US on an F-1 visa, the student is allowed, at the end of his or her studies, to obtain (limited) work permission and can work for a company earning US wages in his or her field (this is called Optional Practical Training). In addition, students often apply for the H-1 work visa, which can extend their stay for another six years. And there's more, as you will find out later.

A student has to keep a full course of study, which, for undergraduates is 12 semester/quarter hours. If the student is in the US for postgraduate study, it has to be certified as a full course. There are many other options depending on what the student is seeking to achieve and what course of studies he or she is pursuing. Students may enter the United States up to 30 days before the school term commences. Students are allowed to complete their course of study and can engage in Practical Training and then have another 60 days after that ends before they must leave. However, if they apply for an H-1B visa, which has an application start date of April 1st with a work-start date of October 1st, they have even more time. As they do not have status after their school ends (usually in June) the laws have allowed students to remain until October 1st under a program that closes this 'gap'. If they are in Optional Practical Training (OPT) their work authorization is extended as well, states Steven Riznyk.

A student may not work during his or her 1st academic year, unless it is on-campus. However, a student who has followed all the rules may obtain off-campus work after the first year if he or she has severe economic hardship or an internship with an international organization. Off-campus work is limited

to 20 hours a week during school and full-time during holidays and school breaks.

With respect to OPT, an F-1 is allowed to work for up to a maximum of 12 months and has to complete this work within 14 months of graduation. STEM students, however, may request 17 more months, for a total of 29 months. STEM refers to students in: Science, Technology, Engineering, and Math. There are many technical rules for work and study and it is always best to contact the DSO (Designated School Official = the person who deals with foreign students) or an immigration lawyer if you are not certain about something as the penalties for not following the regulations have severe consequences, states Mr Riznyk.

The interesting information we promised you is this: many students enter the United States to study and never return home. An F-1 can go from Practical Training to H-1b to Green Card and eventually U.S. Citizenship.

The M-1 is for vocational students and requires 12 semester/quarter hours in a community or junior college; it must lead to a goal (i.e. certification). The M-1 would include flight schools, for example, because of their lower cost in the US, and other vocational courses of study, states Steven Riznyk, who took flying lessons in the U.S. as well.

An M-1 student can enter for the duration of the course and an extra 30 days. An M-1 cannot study for more than one year, however extensions are available for up to 3 years. The spouse of an M-1 student cannot work or study, however, the same rules apply for children as for the F-1. Practical Training is allowed once the studies have ended and the student can work for 1 month for every 4 months of full-time study, with a maximum of 6 months.

The J-1 is called the Exchange Visitor visa and covers a host of situations, including college and university students, research scholars, physicians, professors, short-term scholars, specialist, international visitors, government visitors, as well as au pairs, camp counselors, secondary school students, and, summer work travelers, and trainees. This is a broad visa covering a number of areas, not just students, and it has many requirements for each method of entering. "It's a wonderful collection of opportunities" states Mr Riznyk of the J-1.

The J-1 requires that you have no intent of abandoning your foreign residence, the money to support you in the United States, and a fluency in English. A J-1 must also obtain medical insurance that covers the applicant and family members for a minimum of \$50,000 USD in case of accident or medical emergency.

The rules vary for a J-1 depending on what aspect of that visa you would like to take advantage of. The one important aspect of the J-1 to be aware of is that some J-1 persons are subject to a 212(e) 2-year foreign residency

requirement. This means that if you are in the U.S. as a physician, for example, you must stay away from the United States for two years when you have completed your J-1 objective. Someone subject to 212(e) cannot apply for a Green Card or Change of Status (i.e. to another visa) with minor exceptions. There are ways of overcoming this requirement and if you think you may qualify, contact an immigration lawyer in order to ascertain your chances of success.

If you want to understand the student visas better, Mr Riznyk spent a year and a half creating the first, almost 5-hour long DVD that explains [US Immigration](#) law to the world in simple language; it can be found at [www.US-Immigration-Explained.com](#). His web site, [www.my-Immigration-Attorney.com](#) has a link to his immigration blog, where students can find more information. His web site, [www.USAexplained.com](#) explains all about living in the United States and is used by many students; its tag-line is "The Owner's Manual to the USA". Steven Riznyk's e-mail address is sr@USAexplained.com.

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