

NATIONAL IMMIGRATION PROJECT

of the NATIONAL LAWYERS GUILD

TRAVEL ADVISORY FOR INTERNATIONAL STUDENTS

Prepared by Leila Laoudji* -- Post 9-11 Project Attorney
May 23, 2003

I. Documentation

Due to the current climate, when you are traveling, it is important that you have all the following documents in order, even when taking a brief trip to Mexico or Canada or along the Southern border of the United States.

1. **Valid passport** (When you come back to the U.S. your passport must be valid for six months longer than you plan to stay in the U.S.).
2. **I-94 card.**
3. **New SEVIS Form I-20 with a signature** from your international student advisor ("ISO") that will not be older than 6 months by the time you come back to the U.S. You and each member of your family must have a SEVIS I-20 by August 1, 2003 to return to the U.S.
4. **Valid F-1 stamp** in passport (See Section on F-1 visa stamp below).
5. **Evidence of financial support** (Your personal bank statement, scholarship letter).
6. **Proof of Enrollment** (Transcript or letter of enrollment from your ISO).

II. Your Student Visa Stamp

If you have an expired visa stamp and want to travel abroad, it is not guaranteed that the U.S. Consulate will renew your stamp and as a result, you may not be able to return to the U.S. to finish your studies. You cannot renew your visa stamp in the United States.

If you have an expired student visa and are traveling back to the U.S. to continue your studies, you might want to consider deferring one semester until your paperwork is in order, instead of traveling to the U.S. and being removed. (For the harsh consequences of removal see Section V. B.)

A. New Security Clearances

1. ***National Security Entry-Exit Special Registration System (NSEERS)**

* *The National Immigration Project gratefully acknowledges the contributions to this International Student Travel Advisory of Edgar Holguin, Gloria Goldman, Adam Green and Nancy Kelly.*

If you were required to register under Special Registration or Special Call In Registration, make sure to register before you leave the United States. If you fail to register you will not be able to re-enter the U.S. If you did not register before leaving the country, please read the most recent U.S. State Department Cable that might help you re-enter the United State at

<http://www.immigrationlinks.com/news/news1755.htm>.

2. Security Clearance on student visa applicants from certain countries

The State Department is conducting security clearances on student visa applicants from Afghanistan, Algeria, Bahrain, Bangladesh, Djibouti, Egypt, Eritrea, Indonesia, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Malaysia, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, United Arab Emirates, Yemen, and the territories of Gaza and West Bank. This security clearance process has significantly extended the time it takes to renew student visas.

3. State Department Technology Alert List for Students Studying Hard Sciences

The most significant delays have been occurring for students studying any science related subject due to new regulations in the State Department's Technology Alert List which require these applications to be reviewed and approved by intelligence and law enforcement agencies in Washington, D.C. If you are a student in the hard sciences such as engineering or biology, bring with you a letter from your academic advisor detailing the type of research you are performing on campus. The letter may be addressed "To Whom It May Concern" and should be dated within the last 30 days. The U.S. State Department has discretion to renew expired student visa stamps. If the State Department decides not to renew your student visa stamp, you will not be able to complete your studies.

B. Traveling with an expired Student Visa Stamp

However, if your visa stamp has expired and you still would like to travel, make sure to do the following:

1. **Contact the U.S. consulate** in the country where you traveling to make sure that you can renew your Student Visa Stamp. You cannot renew your Student Visa Stamp in the United States.
2. ***Get a SEVIS Form I-20** from your ISO before you leave.
3. **Advise your ISO that you will be traveling.** No U.S. Consulate can issue a new Student Visa Stamp without your ISO's report to the Department of State's Interim Student and Exchange Authentication System (ISEAS).

If you are traveling to a third country that is not your home country, make sure that you check in with your ISO or an immigration attorney for special procedures to follow. A U.S. Consulate or Embassy in the third country might take a significant time to issue you a new Student Visa Stamp. You might also need a visa stamp to enter that country.

C. Automatic Visa Stamp Revalidation (Travel to Mexico and Canada)

In the past, students with expired Student Visa Stamps were able to travel to Canada or Mexico for less than 30 days with an expired student visa and reenter the United States with no complications. This process is called Automatic Visa Revalidation. Now this process is no longer available to students from the following countries: Iraq, Iran, Syria, Libya, Sudan, North Korea, and Cuba. All other students traveling to Canada or Mexico with an expired visa must now get their new visa stamp application approved in Canada or Mexico. If Canada or Mexico does not approve the student visa applications, students must travel back to their home country to get the application approved before being able to return to study in the U.S.

III. Traveling after Graduation and Optional Practical Training

If you plan to return for F-1 Practical Training, it is important that you have the following documents in addition to those listed above for traveling abroad:

1. Your Employment Authorization Card
2. Proof of employment (letter from your employer)
** Or if you are not yet employed, a proof of personal funds (i.e. bank statement)
3. You must still have a valid student visa to re-enter the United States.

The same travel regulations apply for J-1 students as for F-1 Students but instead of having an I-20, J students have a DS-2019.

IV. Traveling Home After Graduation If You are an Out of Status Student and/or did not comply with Special Call-In Registration

If you did not register under the Special Call In Registration program or if you are an out of status student, you may be stopped at the airport or detained either when you are traveling out of the country or attempting to come back into the country. It is important that you contact your ISO, an immigration attorney, or the organizations listed below, to find out about possible solutions before you travel. There are both Special Call In Registration requirements and Special Registration requirements. Make sure that you have complied with all the regulations before you leave the United States.

V. What to do if you are stopped at the airport or the border when you attempt to come back into the U.S.:

A. Primary Inspection, Secondary Inspection, and Deferred Inspection

At no time during the inspection process should you falsely claim to be a U.S. Citizen or Permanent Resident to gain entry into the United States. If you do, you can be charged with a crime and deported permanently from the United States.

Whatever happens, DO NOT SIGN ANY DOCUMENTS prior to consulting with an attorney. You may sign a document that could prevent you from ever coming back to finish your studies.

1. Primary Inspection

When you attempt to enter the United States, you will be subject to “primary inspection”. Primary inspection is the first phase of inspection that occurs when you give your documents to the inspecting officer upon entering the U.S. If the inspecting officer thinks that you might not have the necessary entry documents (mentioned above) he will refer you to a “secondary inspection”.

2. Secondary Inspection

During the secondary inspection, you will be placed in a separate room for individual questioning and checks. If you are able to, it is best to contact an immigration attorney as soon as you are referred to secondary inspection. If the inspecting officer still does not find that you have the proper entry documents, he can parole you (allow you to enter) into the United States where you will have to report to a local Bureau of Customs and Border Protection (“BCBP”) office for “deferred inspection”. If the officer does not grant you deferred inspection, he may remove you from the United States.

If the inspecting officer does not grant you deferred inspection, you should “withdraw your request for admission”. This will allow you to return voluntarily to your country without being removed. (For consequences of removal see Section V. B)

3. Deferred Inspection

Deferred inspection provides you with the time to contact an attorney and to obtain proof that you do have the proper entry documents before your scheduled appointment. Although the inspecting officer decides whether or not to allow deferred inspection, you should ask for it if the secondary inspection does not clear things up. Deferred inspections for international students are rarely granted. You will be placed in removal proceedings if the BCBP does not believe that you are admissible during your deferred inspection appointment.

B. Removal, Expedited Removal, and the Harsh Consequences

If the inspecting officer finds that your documents are not valid during the secondary inspection, they can subject you to “expedited removal”. You do not have the right to a hearing or the right to an attorney at that point. Only the inspecting officer's supervisor can review that decision.

If the BCBP finds you removable after secondary inspection or after deferred inspection, it will place you in removal proceedings. This has the same effect as an Immigration Judge's order to remove you after a hearing. If you are removed either after a deferred inspection or after a secondary inspection you will not be able to reenter the United States for as long as ten years.

VI. Internal Border Checkpoints

You should have your travel documents in order not only when you travel out of the United States but also when traveling along the southern border of the United States. There are internal border checkpoints along highways and roads that lead out of border cities, they are usually located every 50 miles or so along the major roads. For instance, Road I-10 from Miami to California has internal checkpoints. The checkpoints look very much like a tollbooth but instead they have Border Patrol Agents who may inquire about your immigration status. If you are out of status, they may detain you. You may not make a u-turn on the road if you notice a border checkpoint ahead of you because doing so raises suspicion. The Border Patrol will send a patrol car to stop your vehicle and do an inspection. If you are stopped and do not have your documents with you, contact an attorney immediately and ask the Inspecting officers to grant you parole or deferred inspection so that you can get the documents that prove that you are an in-status student. See Section V.

List of Organizations That Can Help

The organizations listed below may be able to provide you with an attorney who can represent you free of charge or connect you with a reputable attorney in your area. It is best to have an attorney's contact information before you travel out of the country.

American-Arab Anti-Discrimination Committee (ADC)

Legal Department
Tel: 202-244-2990
Fax: 202-244-3196
Email: legal@adc.org
Web: www.adc.org

Council on American-Islamic Relations (CAIR)

Civil Rights Department
Tel: 202-488-8787
Fax: 202-488-0833
Email: CAIR@cair-net.org
Web: www.cair-net.org

National Immigration Project of the National Lawyers Guild

Tel: 617-227-9727
Fax: 617-
Email: Leila@nationalimmigrationproject.org
Web: www.nationalimmigrationproject.org

Sikh Mediawatch and Resource Task Force (SMART)

Legal Assistance Line
Tel: 877-917-4547
Fax: 202-318-4433
Email: legal@sikhmediawatch.org
Web: www.sikhmediawatch.org

*This document will periodically be updated to include additional organizations that can help.