ORIENTATION: Immigration Basics for International Exchange Students
THE CENTER FOR GLOBAL EDUCATION

The Center for Global Education fosters a sense of international community that builds on the University's strong intellectual and Catholic mission. CGE coordinates and facilitates university-wide global education by sponsoring international exchanges of students and faculty and serving as a resource for departments and schools on campus that undertake international initiatives. In coordinating international initiatives, CGE advances the international character of the University by promoting, supporting, and developing a wide range of international and intercultural educational opportunities for members of the CUA community.

CGE includes two units: The Education Abroad unit (CUAbroad) develops and administers international educational opportunities overseas for CUA and non-CUA students in coordination with CUA academic and administrative units as well as other institutions in the US and abroad. The International Student & Scholar Services unit (ISSS) is responsible for institutional compliance with immigration-related federal regulations and facilitates the legal entry and acculturation of international students, faculty, and visiting scholars by providing immigration and cultural advising and programming and by serving as the University’s official liaison to the federal government for immigration-related issues.

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<table>
<thead>
<tr>
<th>FOR QUESTIONS ABOUT…</th>
<th>…CONTACT:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Affiliation and partnership agreements between CUA and other institutions</td>
<td>CENTER FOR GLOBAL EDUCATION</td>
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<tr>
<td>Your academic program at CUA, your internship, enrollment, transcripts, credit transfers</td>
<td>CUABROAD</td>
</tr>
<tr>
<td></td>
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</tr>
<tr>
<td>Your immigration status, travel, etc.</td>
<td>INTERNATIONAL STUDENT AND SCHOLAR SERVICES</td>
</tr>
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<td>• Roy Braine, Director</td>
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<td>• Gudrun Kendon,, Assistant Director</td>
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</tr>
</tbody>
</table>
Contents

Immigration Basics
- Understanding your Immigration documents and Important Legal Concepts
  - Visa
  - I-94 Arrival/Departure Record
  - Immigration status
  - D/S – Duration of Status
  - DS-2019 Certificate of Eligibility for Exchange Visitor Status
  - Grace Period
  - Two Year Home Residency Requirement
- The Student Exchange Visitor Information System (SEVIS)
- Maintaining Your Immigration Status
  - Medical Insurance Requirement

Adjusting to Life in a New Culture

Readjusting to Life back Home

Travel
- Travel to Canada and Mexico
- Travel during the grace period

Safety and U.S. Laws
Immigration Basics

As an international student you are subject to complex federal regulations that govern your immigration status while in the U.S. It’s your responsibility to comply with the regulations. The consequences of violating your status can have repercussions for years in the future, should you travel to the U.S. The information presented here is a basic overview of the most relevant regulations that will affect you during your stay. It does not cover all of the regulations that may affect you and your dependents. If you have questions regarding your immigration status, we encourage you to seek the advice of a trained international student advisor in the Office of International Student and Scholar Services.

Even after you leave the U.S., we encourage you to keep copies of all immigration-related documents related to your stay. This includes copies of your passport, I-20s, DS-2019s or IAP-66s, any applications and correspondence submitted to the government for immigration-related benefits, etc.

Understanding your Immigration Documents and important Legal Concepts

Before discussing the actual regulations governing your stay in the U.S., it is important to understand the legal terms and concepts we will be using.

- **Visa:** A visa is an official document issued by a consulate overseas allowing a foreign national to apply for admission into the United States. The visa can be either a multicolored stamp or a computerized document with the picture of the foreign national. There are many types of visas issued by the United States, each corresponding to a specific purpose for being in the U.S., each governed by different rules that determine permissible activities and authorized length of stay in the U.S. Having a visa stamp in the passport is not an automatic guarantee that you will be admitted into the U.S. in that status. A visa is like an invitation that allows you to apply for admission into the U.S. in a particular immigration status. Without the right visa, you will not be admitted in that status. Additionally, you may still need to establish your legitimate reasons for entering the United States when you apply for admission to the country.
• **I-94 Arrival/Departure Record:** The I-94 card is a small card (usually white) that international visitors receive when they enter the U.S. It contains a unique eleven-digit number in the upper left hand corner, the name of the individual admitted, their birth date, citizenship, date of admission, and the immigration status given at the port of entry. This document is used to determine how long a foreign national is allowed to remain in the U.S. Most foreign nationals have an expiration date written on the I-94 that represents the last day they are authorized to be in the U.S. Students in F-1 and J-1 status and their dependents, who hold F-2 and J-2 status respectively, are admitted as D/S (Duration of Status). The I-94 card should be attached to your passport.
• **Immigration Status:** Immigration status is the classification the U.S. Bureau of Citizenship and Immigration Services gives foreign nationals when they are admitted into the U.S. (F-1, J-1, etc.). This status corresponds to the primary purpose for coming to the U.S. The status is written on the I-94 card. Under certain circumstances, a foreign national may apply for a change of status within the United States. Students thinking about changing their immigration status should consult with their international student advisor.

• **D/S Duration of Status:** Students in F-1 or J-1 status are allowed to stay in the U.S. for the duration of their program of study or research, provided they maintain their student status and do not work without authorization. Duration of Status, which is annotated as D/S on the I-94 card, refers to the time that a student is pursuing a full course of study or engaged
in authorized practical/academic training following completion of studies.

- **DS-2019 Certificate of Eligibility for Exchange Visitor (J-1) Status**: This is a legal document issued by the University to individuals who will apply for J-1/Exchange Visitor visas at a U.S. consulate abroad. Like the I-20, it is used to enter and re-enter the U.S. in J status. This form is issued to sponsored students, visiting professors and research scholars.
completion of their course of study/training. J-1 students may remain in the U.S. for an additional 30 days following the end date of their program.

- **The Two Year Home Residency Requirement:** Some students who enter the U.S. on the J-1 visa may be subject to a two-year home country residency requirement if one of the following conditions applies:
  1. You have received direct financial support from your government or from the U.S. government for the purpose of your participation in the J-1 program.
  2. You come from a country that has a “skills list” and your field of study, skill or specialty is on that list. The skills lists exist to prevent “brain drain” of needed knowledge and skills from a given country, as identified by that country.

If you are subject to this requirement, it could have a significant effect on your future plans for staying in the U.S. The two year home residency requirement requires the exchange visitor to return to their home country for two years OR obtain a waiver of that requirement before they are eligible to:
- Change their immigration status inside the U.S. from J to anything else (other than A or G status to work for a foreign embassy or to work for an international organization)
- Obtain an H or L visa to enter the U.S. as temporary workers
- Obtain permanent residency in the U.S.

**The Student Exchange Visitor Information System (SEVIS)**

SEVIS is a government database used by the Department of Homeland Security to track and monitor information on current international students and scholars in the U.S. in F or in J status.

Under federal regulations governing your immigration status, CUA is required to use this system to manage its student and exchange visitor programs. In generating the immigration document that allowed you to enter the U.S., CUA provided the following information to the government:
• Name
• Date of Birth
• City and Country of Birth
• Country of Citizenship;
• Country of legal residence
• Your course of study – degree level and major (students) or your reason from coming to UCA (scholars)
• How long your studies (or teaching/research program) are expected to take
• Foreign address (that you have no intention of abandoning)

Now that you have arrived, CUA must report the following:
• Current U.S. address – this will “finalize” your immigration status in the U.S.
• Your enrollment status at CUA
• The sites where your program take place (campus and internship sites)
• Any Employment authorizations
• Any changes to your address, your enrollment, your course of study
• Approvals for reduced course load (students)
• Any disciplinary action taken by CUA as a result of a conviction of a crime
• Any premature departures

SEVIS is intended to monitor your compliance with the regulations governing your status in addition to your entries and exits from the country. The information reported to SEVIS determines whether or not you remain in authorized status. Failure to maintain your status in accordance with the regulations may result in your loss of student status and result in your accruing periods of unauthorized presence in the U.S. Unauthorized presence could seriously affect your ability to remain in the U.S. and could result in potential bars from returning to the U.S.

It is important to remember that SEVIS is controlled by the Immigration and Customs Enforcement division of the Department of Homeland Security. As a result, the information in the system is used by them to determine which students are legally maintaining their status and which are not. You are urged to discuss any issues involving enrollment, transfer, off campus employment, etc. with the immigration advisors before doing anything that might adversely affect your legal status.
Maintaining Your Immigration Status

U.S. immigration law makes you responsible for maintaining your legal status in the U.S. Fortunately, as Exchange Students this is relatively simple to do:

- Participate in your classes and any associated internships. If you encounter any difficulties with your internship and or classes, contact the Center for Global Education to discuss them.
- Keep your immigration documents current.
- Report any address changes to ISSS within ten days. They will formally notify Immigration.
- If USCIS requests any information from you, you are required to provide it truthfully.
- Students are also expected to comply with all federal and state laws. Failure to comply with laws can have severe consequences under immigration law. In the event that you find yourself in trouble, you are urged to contact your international student advisor who will refer you to appropriate immigration attorneys, if necessary, to protect your rights.
- Maintain an address back home that you have no intention of abandoning.

Maintain Appropriate Insurance

Federal regulations governing J-1 status require all exchange visitors to maintain medical insurance in the following minimal levels:

- Medical benefits of at least $50,000 per person per accident/illness
- Deductible cannot exceed $500 per accident or illness
- Repatriation of remains in the amount of $7,500
- Medical evacuation coverage of $10,000

*Please note that the Center for Global Education will require that you complete a Medical Compliance Form and attach copies of your health insurance coverage.
Adjusting to Life in a New Culture

Love it! Great to be here!

I know how to do things – sort of, but I still feel alone.

Get me out of here! I’m lonely, miss home, can’t figure these crazy people out... They don’t like/understand me... Don’t even get me started the food!!!

Why am I feeling lonely, depressed? I know people, but don’t feel the connection like with my friends at home. I like my classes, but apart from that there’s so much about home that’s better than here... I’m bored, not motivated...

I accept that they do things differently here, I’ve learned to live with it. I like some of it. Sometimes I feel like I belong here.

SYMPTOMS OF CULTURE SHOCK:
- Sadness, loneliness
- Change in how you sleep – more or less than before
- Increased anger or irritability, don’t want to interact with others
- Loss of identity
- Lack of confidence
- Unable to solve simple problems
- Excessive concern over cleanliness and the feeling that what is new and strange is ‘dirty’ or “too sterile” (drinking water, food, dishes, and bedding)
- Feeling lost, not understood, not appreciated, overlooked
- Develop stereotypes about the new culture
- Excessive fear of being cheated, robbed, or injured
- Preoccupation with health
- Allergies, aches, pains
- Change in temperament – feeling depressed or powerless
- Irritation over delays and other minor frustrations out of proportion to their causes
- Try too hard to absorb everything in new culture at once
- Idealize your home
- Experience a terrible longing to be back home, to be in familiar surroundings, to visit one’s relatives, and, in general, to talk to people who really “make sense.”
- Delay or outright refuse to learn the language of the host country

SUGGESTIONS DEALING WITH CULTURE SHOCK:
- Keep your sense of humor.
- Find ways to manage your stress.
- Keep in touch with family and friends back home
- Explore! Learn about your new home. Learn your way around, find out what people do for fun and where they socialize and try it for yourself. Figure out how people greet each other, how they behave when in public or when waiting in line.
- Set small goals for yourself as high expectations may be difficult to meet – at least at first.
- Try to speak the language of the country you are in – even if you don’t know many words or phrases. It’s a good time to learn and make new friends.

REVERSE CULTURE SHOCK:
- Culture shock can also be experienced when returning home after studying in another country. This is often an unexpected development and can be more difficult to handle.
- You feel alone because no one back home understands your experience. People don’t understand how you’ve changed.
- Your experiences while away may have radically altered the way you look at the world. so cut your friends and family some slack. They haven’t been away for months or years, and their pace of change has been slower.
- To cope with it, it’s helpful to find other people who have also been abroad and share experiences and also to find out from your family and friends what has changed with them while you were gone.

SUGGESTIONS FOR DEALING WITH CULTURE SHOCK:
- Try to look for logical reasons why things happen.
- Be slow to judge: Observe what is going on around you, show respect and invite conversation. Try not to dwell on the negative aspects of your host culture. Separate yourself from those who do.
- Take care of yourself by exercising, getting enough sleep, eating properly, and doing things you enjoy.
TIPS TO FIGHT CULTURE SHOCK FROM CURRENT INTERNATIONAL STUDENTS:

- Meetup.com has a lot of expat groups. I joined the DC-Area Canadian Ex-Pat Meetup group. We get together for happy hours once a month and do other events. Ironically, I tend to get home more than most of the members, so I'm often easing their homesickness.

- Most embassies host a variety of cultural functions and keep an e-mail list to invite expats.

- Sports. One can find almost every sport in the world in the DC area. There are a variety of intramural leagues around the city if one wants to play. Tickets to the major sports teams are relatively easy to come by during the regular season.

- Last year, I had some trouble with homesickness. Even though all students and professors in the [department] were so nice, and I have a few Korean friends to talk with, it was not easy to deal with it when I miss home severely. My advice is "to eat your own food." Simple and trifle advice.....:) But it was really helpful to me. To spend a weekend with someone from their own country and speak with them in their native language was also helpful. I know some students trying to avoid meeting someone from their country to improve their English. I understand their effort, but it is not bad to speak and blow off the stress they had in English. I heard going to gym is also good. I have not tried yet.

- I call home everyday for about half an hour through internet by using a software call SKYPE, which is free and very popular.

- The area of Washington DC is incredibly diverse, I am convinced, no matter what part of the world you are from you can find someone in the area who shares your cultural background. For me, asking around helped to find them. I have been here less than 2 years and I already know 3 families from my home country that I am friends with. Don't be shy, tell people what you need or looking for, you will find that there are many who are very friendly and are willing to help. This method definitely helped me to 'combat' my homesickness :)

- I can only advice from my experience: The homesick person needs to find people or friends from his/her country and spent time with them doing something connected to home culture: speaking native language, cooking national dishes, singing songs etc. It helped a lot.

- "Making friends will keep you busy. Being busy will cause everything but homesickness !!!!!"

- "You miss your country, but you have to always remember that what your doing will benefit it one day."
Travel
As a J visa holder, you are allowed to travel. No special permissions are needed to travel within the United States. With respect to international travel, if you plan ahead, leaving and coming back to the United States will be easier. This section will provide you with information and resources that will help you make informed decisions about traveling outside of the US.

Travel to Canada and Mexico

Since Canada and Mexico boarder the U.S., they are often popular travel locations for international students, researchers and faculty. Before you travel to Canada or Mexico, you should be aware:

- You may need a visa to get into Canada or Mexico. Check the following web sites before you leave to determine whether you need a tourist visa to get into either country: Canada: [http://www.cic.gc.ca/english/index.asp](http://www.cic.gc.ca/english/index.asp) Mexico: [http://portal.sre.gob.mx/washington/](http://portal.sre.gob.mx/washington/)

- If you travel to Canada or Mexico for less than 30 days, you will be allowed to re-enter the U.S. even if your existing visa stamp has expired. This provision is known as “automatic revalidation” of the visa. (For individuals in F or J status, this benefit also applies to travel to adjacent islands with the exception of Cuba). Citizens of Iraq, Iran, Syria, Libya, Sudan, North Korea and Cuba are not eligible for the automatic revalidation of visa and must have a valid visa stamp in their passport in order to re-enter the U.S.

- If you travel to Canada or Mexico to apply for a new visa stamp at a U.S. consulate and that application is denied, you are not eligible to use the automatic visa revalidation to return to the U.S. Instead, you will need to return to your home country and attempt to reapply for your visa there.

- If you are a Canadian and Mexican student returning to your home country, you should surrender your I-94 card as you enter your home country. You should get a new one when you return to the U.S. Since Canadian citizens
do not need a visa stamp in their passports to enter the U.S., Canadian students should carry copies of their financial documentation to support the information on their I-20s.

- If you are traveling to Canada or Mexico (and, for F and J status holders, the adjacent islands) for less than 30 days and intend to return to continue to academic program and do not intend to apply for a new visa stamp, you should not surrender your I-94 card.

If you are traveling to Canada or Mexico, bring your:
- Valid passport
- I-94 card
- Form I-20 or DS-2019 with travel signature, if holding F or J status

**Travel during your grace period**

During your grace period, you may still freely travel around the U.S.

Travel outside the U.S. during your grace period can become a problem if you intend to return to the U.S. again in J-1 status before ultimately returning home. If you have a valid tourist visa in your passport or if you are from a country that participates in the visa waiver program, then you can re-enter as a visitor instead of an exchange student.
Safety and U.S. Laws

When you left your home country to come to the U.S. you left all that you are familiar with – your traditions, your knowledge of how to avoid danger and respond in emergency situations and the laws governing day to day life in your country. This section is intended to provide you with information about:

- services and resources provided by CUA,
- important safety procedures and considerations,
- U.S. laws, and
- how violations of laws could affect your immigration status.

Safety Procedures and Considerations

The Catholic University of America tries to provide a safe environment for you to study and to work. We want your experience here to be positive and rewarding. To that end, the university devotes money, time, and other resources to maintain the safety of students, faculty, and staff. The Department of Public Safety, located in 120 Leahy Hall, performs a variety of services to Catholic University community. Escort services, information about crimes committed on or near campus, and self-defense classes are some things/services provided by the department. Please call them at 202-319-5111 or visit Safety First website, http://www.cua.edu/safety for more information.

Our campus is open. And, there is easy access to trains and buses. These elements make the campus very attractive for students and people working on or visiting the campus. And, this openness and access can create threats to your personal safety and property.

Most threats to your personal safety and thefts of personal property are known as “crimes of opportunity”. These crimes occur when criminals have easy access to someone or something, and they believe they will be able to commit a crime without being seen or getting caught. For example, personal belongings (a backpack, a purse, or some other valuable item) are more likely to be stolen from an unlocked office or room when no one is there. People are more likely to be robbed if they walk by themselves late at night. And, both of these crimes are more likely to occur in less populated areas. As a result, it is important that you familiarize yourself with the safety and emergency procedures described below.

Personal Safety

It is important that you take precautions whenever you leave your home to ensure your own personal safety. Much of
personal safety involves being aware of what is going on around you.

- Stay alert and aware of your surroundings.
- Avoid shortcuts through alleys, dark streets and vacant lots.
- Obey all traffic laws and pedestrian regulations at all times.
- Do not carry large amounts of cash with you, if possible. Use ATM machines during the day and, if possible, the ones inside banks or businesses located in well-populated areas. On campus, there are ATM machines conveniently located in the Pryzbyla Center and in Leahy. Many stores also have cash machines.
- Avoid displaying large amounts of cash
- Look into, under and around your vehicle before entering it. Keep all doors locked while you are driving. Park in well-lit areas.
- Plan your trips ahead of time as much as possible. Tourists in any city are often easy targets for criminals.
- If you are on campus after dark, call campus security for an escort to the Metro or to your car.
- If you are being followed, change directions abruptly, stay in well-lit areas and seek safety in a public building. Make noise to attract attention to yourself and the person following you.
- Know the locations of the emergency telephones on campus. They are directly linked to Campus security.
- Each campus building has evacuation procedures that should be used in case of an emergency such as a fire. Learn the procedures for each of the buildings where you study, work and live.
- If you live in an apartment or house off campus, figure out at least two escape routes in case of a fire or other emergency. Do not use elevators or escalators during a fire.

**Safeguarding Personal Property**

Like personal safety, being aware of your surroundings is important when it comes to your valuables. You should never leave them unsecured even in a campus office, lounge, etc. and:

- Do not leave anything on a seat in a parked car. Place valuables underneath a seat or in the trunk of the car.
- Never leave personal property such as books, wallets, cash, jewelry, bicycles, etc. unattended or in unlocked rooms or offices.
• Never leave laptops, calculators, or other items unattended in the library.
• Mark your valuable item in a distinctive way so it can be identified if stolen. The Department of Public Safety has the ability to engrave identification markings onto various articles.
• Register your bike with the Department of Public Safety.

For those of you who do not live on campus, we encourage you to purchase renter’s insurance to protect your personal property in case of a fire, theft or other disaster in which you could lose your property. Your landlord’s insurance policy typically only covers repairs to the building itself and may cover personal injury, but usually doesn’t cover the personal property of the renter. With renter’s insurance, you will know that if something happens to a valuable piece of property (computer, TV, jewelry, all of your clothes, etc.), your insurance company should help you replace it.

If you do have to call the police:
• Remain calm,
• Call the police as soon as possible. On campus, call the Department of Public Safety 319-5111. Off Campus, call 911,
• Try to get a good description of the criminal(s),
• Try to observe the direction that the criminal went, and
• Try to get a good description of any vehicle used by the criminal.

Driving
Driving in the U.S. is a privilege. Individuals with international driver’s licenses can drive on that license for up to a year, depending upon the jurisdiction. Driving regulations and the issuance of driver’s licenses is controlled by each individual state. Therefore it is important to familiarize yourself with the rules and regulations governing the state or District where you will live. If you will be here for an extended period of time and if you plan on driving in the U.S., you will need to obtain a drivers license from the state in which you live.

There are many traffic cameras around the Washington, D.C. metropolitan area that photograph vehicles that ignore traffic signals or posted road signs such as speed limits. If one of these cameras takes a picture of you, you will receive the picture in
the mail along with traffic tickets assessing fines that you will be expected to pay.

**Snow Emergencies and Inclement Weather**

Sometimes the university will open late, close early, or close for the whole day if the weather is severe enough to make travel to and from the University dangerous. You can find out if the university is opening late or closed by:

- Checking the CUA website: [www.cua.edu](http://www.cua.edu)
- Calling 202-319-5000. If the university is not opening as usual, a recorded message is usually posted on this line by 6 or 7 am
- Watching TV channels 4, 5, 7, and 9
- Listening to radio stations: WWRC 980AM, WMAL 630 AM, WTOP 1500 AM, WASH 97.1 FM, WETA 90.0 FM, or WGMS 103.5 FM

During bad weather we urge you to use caution when driving. There are many people in the Washington, D.C. area who do not know how to drive in snowy, icy, or rainy situations.

**Legal Information**

The three local jurisdictions (Washington, D.C., Virginia, and Maryland) have regulations intended to “keep the peace” of the community. Under these regulations you are expected to behave in a way that does not disturb or offend your neighbors, does not interfere with the flow of traffic and business. This section discusses some behaviors considered disturbing and disruptive to traffic and business. The next section, The Effect of Unlawful Behavior on Immigration Status, addresses at how these behaviors can hurt your current immigration status and future travel plans.

The first group of behaviors, disorderly conduct, drinking alcohol in public, and taking or distributing illicit drugs, are accepted throughout the United States as illegal. However, the legal definitions vary from state to state. We have included a web address at the end of each behavior category for more specific information. For information about specific states go to [www.nameofstate.gov](http://www.nameofstate.gov). For example, go to [www.virginia.gov](http://www.virginia.gov) to check the state laws in Virginia.

**Disorderly Conduct**

Behavior that disturbs the peace is known as “disorderly conduct” and includes:

- Acting in a manner that annoys, disturbs, interferes with, obstructs or is offensive to others.
• Congregating in the streets and not moving on when told to do so by the police. This is closely related to “incommoding” which is the complete and continuous blocking of a street or sidewalk by at least three people preventing the use of the sidewalk or street or preventing the ability of others to enter a building.

• Shouting or making loud noise at night – either inside or outside of a building – that disturbs other people.

• Causing a disturbance in the metro, on a bus or other public mode of transportation.

Drinking Alcohol
The legal drinking age in the U.S. is 21. Drinking in public is illegal. If you are in a public space with an open container of alcohol, such as a bottle of beer, a cup of beer, or beer in a brown paper bag, you can be arrested. Drinking inside a restaurant, a bar, at sports stadiums, at someone’s home, etc. is permissible if done on the property of those locations. Care must be taken that drinking does not lead to disorderly conduct.

Driving while under the influence of alcohol is a serious offense in the U.S that can result in arrest. If you have been drinking it is recommended that you not drive until the alcohol has left your system.


Drugs
It is illegal to use and distribute drugs that are not prescribed to you. Examples of controlled substances are:

• Marijuana
• Cocaine
• Opium
• Heroine
• PCP

Anyone found in possession of a controlled substance will be arrested. For more information about illegal drugs go to [www.dea.gov](http://www.dea.gov).

The next group of behaviors domestic violence, stalking, child abuse and neglect; are also acknowledged as illegal. However, legal definitions can vary widely from state to state. Please check individual state laws, available at [www.nameofstate.gov](http://www.nameofstate.gov).
for more information. For example, go to www.virginia.gov to check the state laws in Virginia.

**Domestic Violence**
The U.S. has very strict laws governing the domestic relationships that are designed to protect the individuals from physical and mental harm and abuse. Domestic offenses can include things such as:

- Spousal abuse
- Stalking

The U.S. has a much lower threshold than some other countries in determining what domestic violence is. In the U.S. domestic partners (husbands/wives, boyfriends/girlfriends, ex-husbands/ex-wives, even roommates) are not allowed to engage in behavior that results in physical or mental harm to the partner. You are not allowed to hit, punch or otherwise inflict physical or psychological abuse on your partner.

Once the police know about a situation involving domestic violence, they **must** take action. If there is evidence of physical abuse or if there is evidence that one person is a threat to another, the person perceived as the abuser will be arrested and taken to the police station. Even if the spouse does not want the police to take the person away, U.S. authorities will continue to file charges and bring the case to court.

**Stalking**
The legal definition of stalking is different in each state. However, most state definitions contain three parts:

- Willful behavior that
- Threatens the safety of a victim and
- Results in victim fear.

Stalking is illegal. Please see www.nameofstate.gov for more information about stalking laws in your state.

**Child Abuse or Neglect**
There are many laws designed to protect children. If you have children, you are responsible for ensuring that they are appropriately cared for in a safe, healthy way that promote their well being. The U.S. defines child abuse very broadly – much more broadly than in many other countries. If you have children, you must be careful when:
• Disciplining children with physical force. The line between discipline and abuse is very thin. Spanking is viewed by many as a form of abuse.
• Leaving a child unattended, even if only for a few minutes. It is illegal in this country to leave a child alone in a car while you “run a quick errand.”
• Children under the age of 12 should not be left alone at home.

**The Effect of Unlawful Behavior on Immigration Status**

As a nonimmigrant in the U.S. you are expected to follow all the rules and regulations of the United States. Arrests and convictions could have a significant effect on your immigration status and your ability to enter the U.S. And, the increasing accuracy and connections between various government databases have made it very important for you to know and obey relevant laws in the U.S.

U.S. Consular officers and Immigration inspectors run security checks on each person who applies for a visa or for admission into the U.S. These security checks check a variety of databases including:

- **The National Crime Information Center (NCIC)** a federal database containing criminal records of both arrests and convictions.
- **Consular Lookout And Support System (CLASS)** a database listing individuals who have been denied visas.

**Arrests**

Since arrests are entered into the National Crime Information Center (NCIC), they will result in delays in the issuance of your visa stamp at a consulate and in delays at the broader when you try to enter the U.S.

When you are arrested:
- you are fingerprinted and photographed by law enforcement
- a law enforcement officer orders you to accompany him/her against your will

**An NCIC “Hit”**

Any arrest for or conviction of a crime will be entered into NCIC and will trigger a “hit” when a Consular Officer or an Immigration Inspector runs your name through their computers for a security check. Consular officers cannot see the nature of the “Hit” and cannot issue you a visa until the hit is cleared. This could take several weeks or months. Immigration officers, on the other hand can access NCIC and determine, usually within a few hours, the nature of the arrest or conviction and can tell if it is for something that would bar you from being able to enter the U.S.
When an immigration officer or employee of Department of Homeland Security or the Department of State asks if you have been arrested, you must always admit to any arrest, even if the arrest was later found to be in error. Failure to disclose an arrest could result in your being found guilty of committing fraud to gain an immigration benefit and could result in being barred from the U.S. for life.

**Conviction**
Conviction for immigration purposes includes:
- A formal judgment of guilt in court
- Individual enters a guilty plea and enters a program (community service, drug rehabilitation)
- Pleading no contest
- Conviction still exists even if no time is spent in jail or if probation is given or if a fine was paid.
- If you have been convicted of a crime but it has later been “expunged” by a judge, this still counts as a conviction under immigration laws.

Convictions are entered into the NCIC, a government database that triggers a “hit” during the visa issuance and the entry process. Consulates cannot see what the conviction is for and must send an inquiry to the U.S. for clearance.

**What criminal activity can affect your immigration status?**
Not all crimes will have an effect on your immigration status, but many do. It is important to understand the affect a criminal record may have on your immigration status. Some legal violations can render you inadmissible and deportable.

**INADMISSIBLE** means you are not eligible to get a visa, to enter the U.S. or obtain permanent residence in the U.S. because of undesirable behaviors or qualities.

**REMOVABLE** means you are present in the US in violation of Immigration laws. This means you are deportable.
CRIMES THAT MAKE YOU INADMISSIBLE OR REMOVABLE (DEPORTABLE)
The following sorts of crimes will have a significant impact on your ability to stay in the U.S. or return to the U.S.:

- Crime of “moral turpitude.” This strange legal term covers a variety of different criminal offenses, including among others:
  - Aggravated assault
  - Rape
  - Murder
  - Child molestation
  - Robbery
  - Theft
  - Bribery
  - Fraud
  - Etc.

- Prostitution
- Conviction of 2 or more crimes with a combined sentence of 5 years, even if the sentence is community service
- Domestic Offenses carry severe immigration-related consequences, even if the offense was a misdemeanor under criminal law. These sorts of violations render you permanently inadmissible and permanently deportable to the U.S.
  - Spousal abuse (husband and wives, former spouses, life partners, and boyfriends and girlfriends)
  - Child abuse or neglect
  - Stalking
  - Violation of protective orders. Protective orders are issued to keep one person from having any contact with the person they were stalking or abusing.

- Aggravated felony – under immigration law this is a more general term that it is under criminal law
- Drug-related offenses and activities
  - Using drugs. Merely the use of a controlled substance one time can have an effect on your immigration status. You do not need to be an addict. Most consulates and most ports of entry will deny you a visa or admission to the U.S. for even admitting to having used a controlled
substance, even if the use of that drug was legal in the place where you used it.

- Trafficking in drugs. If you are suspected of smuggling drugs, even if you are not ever arrested or convicted of it, you can be denied a visa and/or admission into the U.S.
  - Offenses related to national security

The following crimes generally do not affect your immigration status other than causing delays in visa issuance and delays in entering the U.S., but under certain circumstances could result in inadmissibility or deportability:

  - Simple assault or battery (such as throwing a punch)
  - Misdemeanor driving while intoxicated
  - Urination in public
  - Disorderly conduct
  - Being drunk in public. Alcoholism usually does not have any effect on immigration status unless there are negative behaviors (driving under the influence, spousal abuse, etc. for which there are arrests or convictions) associated with the drinking.
  - Traffic violations (driving without a license, speeding, etc.)
  - Underage drinking
  - Trespassing (entering a home without permission)

**What to do if You are Arrested**

If you are ever arrested for a crime, it is important that you get legal assistance as soon as possible. You will most likely need two attorneys – a criminal attorney and an immigration attorney. These two individuals need to work closely together, preferably before your first appearance in court. The sentence, if you are convicted of a crime, has direct and significant affect on your immigration status. For that reason your immigration attorney needs to be communicating with your criminal attorney to try to reach a sentence that minimizes the damage to your immigration status.