

RIGHTS

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immigration judge can order you removed from the United States. You should obtain legal counsel before you give up your rights or agree to leave the U.S. through "voluntary departure" as you could be removed without a hearing. Although you have the right to obtain legal counsel, you must do so at your own expense. For an immigration hearing, the government is not required to provide an attorney at no charge for you.

Q: Can I call my Embassy or Consulate if I am arrested in the U.S.?

A: Yes. Foreign nationals arrested in the U.S. have the right to call their consulates or have the police tell the consulate of your arrest. The police must let your consulate visit or speak with you. Your consulate might help you find an attorney. You also have the right to refuse help from your consulate.

RESPONSIBILITIES WHAT YOU MUST KNOW

Your passport must be valid at all times, unless exempt from the passport requirements.

Your Certificate of Eligibility (Form I-20 or DS-2019) must be valid at all times. This includes listing the correct level and major, current funding and a valid program end date.

You must enroll as a full time student during the academic year (fall and spring semesters). If you will not be enrolled full-time, you must receive *prior approval* from an advisor in the OISS. You must obtain *prior approval* from an advisor in OISS if you will not enroll for any semester other than summer.

You must attend the institution stated on your I-20 or DS-2019 form. You must obtain *prior approval* if you are going to dual enroll at another institution and you need those credits to be a full-time student.

You must report to the DHS any change in your address or your name within 10 days of the change.

You must apply for an extension of your program of study prior to the expiration date on your Form I-20 or Form DS-2019 if you cannot complete your program by that date.

RESPONSIBILITIES

You must obtain a new Form I-20 or Form DS-2019 if:

- you change your academic program from one degree level to another
- you change one major/field of study to another
- your source of funding changes
- you change your name or citizenship

You are not allowed to work in the United States without authorization. Advisors in the OISS can provide you with information about the regulations for employment in the U.S.

You must complete an official immigration transfer if you change educational institutions.

If you withdraw or are asked to leave the university, you must report this to the OISS immediately.

Q: What is different about my responsibilities under the Special Registration program?

A: Information about your responsibilities under the Special Registration program can be found at this website:

<http://www.ice.gov/nseers/>

OFFICE FOR INTERNATIONAL STUDENTS & SCHOLARS

Michigan State University
103 International Center
East Lansing, MI 48824 - 1035

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Fax: (517) 355 -4657
Email: oiss@msu.edu
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Rights &

Responsibilities

OF INTERNATIONAL STUDENTS



OFFICE FOR INTERNATIONAL STUDENTS & SCHOLARS

RIGHTS & RESPONSIBILITIES

OF NON-IMMIGRANT STUDENTS IN THE U.S.

Non-immigrants students holding F and J visas have an obligation to comply with the immigration laws and regulations of the United States. It is illegal to violate U.S. federal immigration laws and regulations for any reason.

Being a student with F-1 or J-1 status, you are responsible for learning, understanding, and complying with these U.S. federal laws and regulations [8CFR214.2(f) and 22CFR62.70] that apply to you. If you fail to do so, you could be deported from the United States and barred from returning for an extended period of time, thereby jeopardizing your academic career.

International students also have certain basic rights that must be respected by local and federal law enforcement authorities. These rights stem from the U.S. Constitution and U.S. laws, such as the right to be free from "unreasonable searches and seizures."

The information in this brochure is subject to change at any time and you should check with the OISS website (<http://www.oiss.msu.edu>) for the most up-to-date information on all issues related to your immigration status. The purpose of OISS is to help advise you about how to maintain your non-immigrant status in the United States. We invite you to contact us any time you have questions.

RIGHTS FREQUENTLY ASKED QUESTIONS

Q: What should I do if local police, the FBI or an agent of the Department of Homeland Security (DHS) contacts me?

A: It is not a crime to refuse to answer questions. Refusing to answer, however, might make the authorities suspicious of you. For your protection, you should contact an attorney and get legal help before making any decisions. You have the right to refuse government officials entry to your residence unless they have a valid search warrant that is signed by a judge.

Q: Can police or other authorities search my place of work?

A: Law enforcement authorities must generally have a search warrant and the permission of your employer to search your place of work. However, there are exceptions to this requirement. For example, the requirement for a search warrant is, generally not in effect if the authorities deem you to be an agent of a foreign government. If DHS agents enter by force and arrest you, you have the right to remain silent and confer with legal counsel before answering questions. What you say can be used in court against you. If you have questions regarding these rights, you should consult with an attorney.

Q: Can government authorities have access to my MSU records?

A: Access to student educational records, and information contained in those records, is governed by the University's Guidelines Governing Privacy and Release of Student Records, as well as other applicable federal and state laws. According to the Family Educational Rights and Privacy Act (FERPA), personally identifiable information from your student educational records generally cannot be released to any third party, including the government, without your consent. If you do not consent, authorities usually must obtain a subpoena or court order before MSU will release your records. There are, however, some exceptions under FERPA when third parties may access your records without consent. For example, MSU is required to share information from your immigration records or about your immigration status with the Department of Homeland Security whenever the Department makes a request. Students are encouraged to read the MSU Guidelines, located in the Academic Pro-

grams book or online at www.reg.msu.edu. If you have questions about the Guidelines, you may contact the Office of the Registrar at 517-355-3300 or the Office of General Counsel at 517-353-3530.

Q: What rights do I have if I am detained?

A: An agent of the DHS is allowed to arrest you without a warrant if he or she believes that you are in the United States illegally and has reason to believe that you are likely to escape before a warrant can be obtained for your arrest.

If you are arrested without a warrant, you will be given a document informing you of the following:

- You are allowed to speak with an attorney or other representative.
- If you ask to speak with an attorney, the DHS must give you access to a telephone and at least two hours to try to call an attorney.
- During that time, the DHS may not interrogate you, other than to obtain basic biographical information.

You have the right to refuse to sign your name on any immigration document and you have the right to remain silent. You may also request to speak to an attorney before signing such documents. By signing a document given to you by a DHS agent, you may be giving up certain rights or agreeing to voluntarily return to your country.

Q: If I need an attorney, how should I find one?

A: OISS does not provide or refer students to attorneys for immigration matters. However, OISS maintains a list of Michigan attorneys that specialize in immigration law and who have asked to be placed on the list. For referral to attorneys on other issues, contact Office of Student Legal Services in Room 329 of the Student Services Building or phone them at 353-3716.

Q: What documents should I carry with me to prove I am legally in the U.S.?

A: INA 246(e) requires every non-citizen 18 years and over to carry his or her "evidence of registration document" at all times. The original copy of your Form I-94 is considered to be your proof of legal entry and status in the United States. If you do not have that with you, you could be charged with a misdemeanor crime.

Q: Do I have the right to a hearing before an immigration judge to defend myself against removal charges?

A: Yes. If you entered the U.S. legally, only an