

# PREPARE FOR TRAVEL INTO THE U.S.

## A GUIDE FOR INTERNATIONAL STUDENTS

THE INFORMATION PRESENTED IN THIS RESOURCE IS NOT LEGAL ADVICE AND IS FOR EDUCATIONAL PURPOSES ONLY. FOR CASE-SPECIFIC ADVICE AND INFORMATION, PLEASE CONSULT A QUALIFIED IMMIGRATION LAWYER OR ACCREDITED REPRESENTATIVE BEFORE YOU MAKE TRAVEL PLANS.



### Frequently Asked Questions

#### **Q: WHAT DOCUMENTS SHOULD I BRING WHEN I TRAVEL INTERNATIONALLY?**

A: It is important to travel with as much proof of your student visa status as possible. These documents should be carried together in a well-organized folder or envelope. Make sure to keep these documents on your person and not in your checked luggage so you are prepared to present them at any point.

- Passport (valid for at least 6 months)
- F-1 or J-1 student visa stamp (unexpired)
- Form I-20 (with travel signature, signed in the last 12 months, or 6 months if you are on OPT (optional practical training))
- SEVIS (Student and Exchange Visitor Information System) I-901 Fee Receipt
- School Enrollment Letter / Transcript
- Financial Documents
- I-94 Record (Immigration officers update this record automatically)
- EAD (Employment Authorization Document) card and Job Letter (if applicable)
- DSO (Designated School Official) contact info, and your attorney's contact info, if applicable, in case you need to speak with them at any point during your travels

#### **Q: BEFORE I TRAVEL, IS THERE ANYTHING ELSE I CAN DO TO PREPARE?**

A: It is always a good idea to review the above travel packet and make sure you can explain your student visa status in your own words. Other important steps to take:

- Talk to your DSO (and attorney, if applicable) before you travel
- Double-check your I-20 travel signature
- Avoid travel if your SEVIS status is cancelled or if you are pending reinstatement
- Make sure you have digital copies of all your documents in case you lose any of the paper copies
- Make sure someone has your travel itinerary so that they know when to expect you and will know if you are delayed



# Frequently Asked Questions

## **Q: WHAT TYPE OF QUESTIONS SHOULD I EXPECT TO BE ASKED BY IMMIGRATION OFFICERS WHEN I AM AT THE U.S. BORDER?**

**A:** U.S. immigration officers at the border speak with every person about their citizenship and travel itinerary. Their questions are designed to confirm that you have a valid visa to enter, a valid purpose to enter, and that you are not barred from entering the U.S. Here are some questions you will likely be asked:

- Why are you visiting the U.S.?
- Where will you be staying?
- What is your visa type?
- Have you ever been denied entry to the U.S.?
- Have you ever been arrested or convicted of a crime?
- What is your occupation?
- What ties do you have to your home country?

## **Q: CAN IMMIGRATION OFFICERS TAKE MY ELECTRONIC DEVICE AND LOOK AT ITS CONTENTS?**

**A:** Yes. Immigration officers can review your electronic devices, social media accounts, and overall online presence during the visa application process, entry into the U.S., or during other steps in the immigration process. Be mindful of your digital presence. Immigration officers have the right to search anyone's electronic device and go through social media if they deem such action necessary or appropriate.

## **Q: WHAT CAN I LAWFULLY REFUSE TO HAND OVER TO IMMIGRATION OFFICERS**

**A:** There is some information you can lawfully refuse to give to immigration officers, but you should think about the consequences of your refusal.

- You can refuse to unlock your electronic devices or provide your passwords. If you do, immigration officers may still confiscate your device or delay your entry into the U.S.
- If your device is confiscated, ask for a receipt with information about your device and the contact information of the officer who has confiscated your possessions, for you to follow up
- See this ACLU travel FAQs page and their article on electronic devices at the border for further details.
- You are NOT required to share your political views. Nonetheless, immigration officers may review publicly available content about you and ask about your affiliations. You can decline to answer questions that don't relate to your eligibility to enter the U.S., but this could raise additional scrutiny. Immigration officials always have the ability to deny you admission to the U.S.



## Frequently Asked Questions

**Q: DO I HAVE THE RIGHT TO REMAIN SILENT?**

**A:** Yes. You have the right to stay silent on political or ideological questions. **You can always say: I am exercising my right to remain silent.** But if you choose not to answer their questions, they will rely on whatever information they have in the system and what is publicly available, even if it is incorrect, and may deny you admission to the U.S.

**Q: DO I HAVE THE RIGHT TO COUNSEL IF I AM SUBJECTED TO ADDITIONAL QUESTIONING BY IMMIGRATION OFFICERS?**

**A:** No. If immigration officers hold you for additional questioning, you can politely ask to call your attorney or DSO, but immigration officers are not required to comply. Your attorney or DSO can also call in to try and assist, but immigration officers are not required to pick up the phone or speak with your attorney or DSO.

**Q: IF I AM SUBJECTED TO ADDITIONAL QUESTIONING, AM I CONSIDERED TO BE IN DETENTION?**

**A:** No. If immigration officers take you to another area of the airport to ask you additional questions, this is called secondary inspection. Secondary inspection is not detention.

**Q: DOES MY POLITICAL SPEECH PUT ME AT RISK OF IMMIGRATION ENFORCEMENT?**

**A:** Maybe. Nonimmigrant visa holders do not have the same right to freedom of speech as U.S. citizens. The U.S. State Department can revoke a visa for national interest reasons or criminal issues at any time. If this happens you will no longer have a valid nonimmigrant travel document and will not be able to enter the U.S. Additionally, the U.S. Department of Homeland Security (DHS) controls your nonimmigrant student status. They can go into the SEVIS system and terminate a student's status at any time. If your student status is revoked or your status is terminated in the SEVIS system, you will no longer have a valid status to remain in the United States.

**Q: WILL MY PREVIOUS ENCOUNTER WITH LAW ENFORCEMENT BE AN ISSUE WHEN I SEEK TO ENTER THE U.S.?**

**A:** Maybe. Any interaction with law enforcement can be an issue when entering the United States. Interactions with law enforcement that did not result in a conviction may still cause issues when entering the U.S. It does not need to have been a conviction to be an issue. It also does not matter how long ago it happened. If you have had any interactions with law enforcement we suggest you speak with an attorney or an accredited representative before traveling.



## Frequently Asked Questions

### **Q: WHAT IS THE DIFFERENCE BETWEEN STUDENT VISA CANCELLATION AND REVOCATION?**

**A:** Student visa cancellation is done within the SEVIS system. This web-based system maintains information on nonimmigrant students and exchange visitors (F-1 and J-1) in the United States. SEVIS is overseen by the Student and Exchange Visitor Program (SEVP) within the Department of Homeland Security.

Cancellation of a student's SEVIS record is typically done by the university where the student is enrolled. Cancellation may occur if a student has changed their status in the U.S., withdrawn from a university, or has not maintained their immigration status. Recently, DHS has also been cancelling individual students' status in the SEVIS system without input from the students' universities.

A visa revocation is different from a SEVIS cancellation. A visa revocation occurs when the U.S. Department of State invalidates a previously issued visa stamp in an individual's passport. A revoked visa cannot be used for entry into the United States, regardless of its printed expiration date. A student will usually receive notification from the U.S. Embassy or Consulate regarding a visa revocation. The University is not typically notified.

### **Q: WHAT CAN I DO IF MY STUDENT VISA STATUS HAS BEEN CANCELLED IN THE SEVIS SYSTEM?**

**A:** You may be able to request a reinstatement of your status. Whether or not you are eligible for reinstatement will be based on the specifics of your case. You should reach out to your DSO, attorney, or accredited legal representative.

If you are seeking legal representation, you can search on AILA's membership of lawyers here:

<https://ailalawyer.com/> or **you can call the New York State's Office for New Americans for a referral at 1-800-566-7636.**

# SEVIS Cancellation versus Student Visa Revocation



## SEVIS Cancellation

## Student Visa Revocation

<b>What is it?</b>	<i>Cancellation of a student's status in the Student and Exchange Visitor Information System (SEVIS) database, used to track international students attending school in the United States.</i>	<i>Revocation and invalidation of the actual visa in the student's passport.</i>
<b>Who does it?</b>	<i>The Designated School Official (DSO) at the student's school, or DHS officials.</i>	<i>U.S. Department of State and consular officers.</i>
<b>Why does it happen?</b>	<p><i>Violations of visa status, such as:</i></p> <ul style="list-style-type: none"> <li><i>Dropping below full-time without permission</i></li> <li><i>Unauthorized work</i></li> <li><i>No longer attending classes</i></li> <li><i>Withdrawal or expulsion</i></li> <li><i>Security or inadmissibility concerns</i></li> </ul>	<p><i>Common reasons include:</i></p> <ul style="list-style-type: none"> <li><i>SEVIS cancellation</i></li> <li><i>Overstaying or violating visa terms</i></li> <li><i>Security or inadmissibility concerns</i></li> <li><i>Administrative revocation by U.S. Embassy</i></li> </ul>
<b>What is the impact?</b>	<p><i>Student loses lawful student status inside the U.S.</i></p> <p><i>Student begins to accrue unlawful presence. Will need to leave the country before accruing 180 days of unlawful presence.</i></p>	<p><i>Visa is no longer valid for entry into the U.S.</i></p> <p><i>May still remain in the U.S. if already in lawful status (rare if linked to SEVIS cancellation).</i></p>
<b>Does it revoke the student visa?</b>	<i>Yes, indirectly. Cancellation of status in the SEVIS system usually results in automatic visa revocation under U.S. immigration law.</i>	<i>Yes, directly. The visa in the passport is revoked and no longer valid for travel, even if SEVIS status is still active.</i>
<b>Can it be fixed?</b>	<i>Sometimes. May be able to file a reinstatement application.</i>	<i>Yes. Will need to leave the U.S. and apply for a new student visa at a U.S. embassy or consulate abroad.</i>