

Resources:

United States Citizenship and Immigration Services (USCIS)

<http://www.immigration.gov>

USCIS Forms and Fees (links)

<http://uscis.gov/graphics/formsfee/forms/index.htm>

Student and Exchange Visitor Information System (SEVIS)

<http://www.ice.gov/graphics/sevis/index.htm>

Frequently asked questions (SEVIS)

<http://www.ice.gov/graphics/sevis/faq.htm>

UIUC Student Legal Service

<http://www.uiuc.edu/unit/SLS>

UIUC Office of International Student Affairs

<http://www2.uiuc.edu/unit/oisa/>

UI Enterprise Applications

<http://apps.uillinois.edu>

U.S. Embassies and Consulates, Worldwide

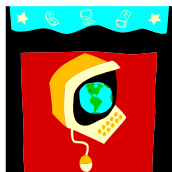
http://travel.state.gov/visa/questions_embassy.html

Foreign Consular Offices in the U.S.

http://www.state.gov/www/travel/consular_offices/fco_index.html

Foreign Embassies in Washington, D.C.

<http://www.embassy.org/embassies/index.html>



The information contained herein is not intended as a substitute for legal advice. Students who are confronted with legal problems or who need specific advice are encouraged to seek assistance from a licensed attorney at Student Legal Service.

STUDENT LEGAL SERVICE

324 Illini Union, 1401 W. Green St.

Phone: 333-9053

Office is open:

8:30am-Noon; 1-4:30pm

[Http://www.uiuc.edu/unit/SLS](http://www.uiuc.edu/unit/SLS)

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STUDENT LEGAL SERVICE

**RIGHTS
OF INTERNATIONAL
STUDENTS & SCHOLARS
IN THE UNITED STATES**



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Your Rights

Non-immigrant students and scholars in the U.S. 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”.

Since September 11, 2001, there have been many policy changes that pertain to non-immigrants in the U.S. What had been known as the Immigration and Naturalization Service (INS) became part of the Department of Homeland Security (DHS) on March 1, 2003. DHS is activating a number of different databases and linking to other areas of law enforcement, the Social Security Administration, and other federal and State agencies.

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



INA Act 264 (e) states that every non-citizen, eighteen years of age and over, shall at all times carry and have in his/her personal possession any certificate of alien registration or alien registration receipt card issued to him/her. The original copy of your form I-94 is considered to be your proof of legal entry and status in the U.S. If you do not have that with you, you could be charged with a misdemeanor crime.

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

Yes. If you entered the U.S. legally, only an 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 for you at no charge to you.



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

Nonimmigrant aliens subject to National Security Entry-Exit Registration System (NSEERS) Registration, or special registration, who are also enrolled in the Student and Exchange Visitor Information System (SEVIS) do not have to notify DHS separately of changes in educational institutions or addresses. However, you must notify your educational institution of your change in address as soon as you are able to do so; at UIUC you must notify U of I Direct, Self-Serve Applications. ([Http://apps.uillinois.edu](http://apps.uillinois.edu))

For full text of the DHS regulation, see: <http://www.ice.gov/graphics/specialregistration/index.htm>

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

Yes. Foreign nationals arrested in the U.S. have the right to call their consulates or have the police tell the consulate of the 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.



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



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 into your residence unless they have a valid search warrant that is signed by a judge.

Can authorities from the DHS, the FBI and/or the local police search my place of work?

Law enforcement authorities must have a valid search warrant signed by a judge, or have the employer’s permission in order to enter your place of work. 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.



What rights do I have if I am detained?

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. You may also request to speak to an attorney before signing any 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.

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